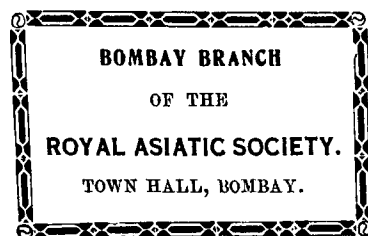




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on 01 February, 2020



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the police, have driven them out. There was, when I came out, only a thannah at Secunderpoor. This was attacked by Munsub Ali, and saved only by the march hence of a detachment of 3d battalion Rifle Brigade and irregular cavalry from Cawnpore. After General Grant's column had cleared Meeagunge, I posted a thannah at Makee, ten miles north of this towards Russoolabad, and pushed the Secunderpoor thannah to Pureer, leaving a small post at the former place. The Pureer thannah has since been advanced to Suffeepoor and Pureinda in Jhulontur Pergunnah, made over to Rajah Dya Shunker, who had been dispossessed by us in favour of his nephew, Jeet Bahadoor, who turned rebel, and joined Munsub Ali. Dhya Shunker I ascertained had taken no part in the disturbances; I therefore directed him to re-occupy his talook, and eject the rebel's men, which he has done.

6. Meahgunge (Aseearun) Futtehpore Chowrassie and Mohan I have entrusted to Habeeboor Rahman the Chukladar, whom we found there at the annexation: he was accused by the late finance minister, Balkishen, of being $2\frac{1}{2}$ lakhs in arrears; but the account was never proved, and I firmly believe the arrears existed only in Balkishen's imagination. When the outbreak took place, he retired to his house at Aseewun, and though offered, declined employment; he has much local influence, hates Munsub Ali and the Futtehpore Chowrassie rebel, and will be able, I think, to hold his own. There is a strong thannah under him at Aseewun, and a small one, to be increased when I get a good thannadar, at Mohan. For Futtehpore Chowrassie I have not succeeded in finding a good thannadar, as the post is a very difficult one.

7. The Nawabgunge Tuhseel is partly in our hands. There is a thannah at Nawabgunge, and a chowkie at Jhulotur. Sissendi, south of the road, is held by a loyal talookdar; but the rest of the Tuhseel in that direction is in possession of the enemy.

8. In a few words, the road is the line of demarcation: south of it, with few exceptions, the enemy held; north of it is in our hands.

9. The people do not appear ill-disposed towards us. When with General Grant's column, they invariably brought me most excellent information. A good many Lumbudars put in by us have been ousted. These were men who had been long dispossessed, and whom we, by our orders, were obliged to put in on their proving their claim. They had not had time to get fairly seated before the disturbances commenced, and were accordingly ejected. The rebels committed the error of raising the assessment at least 25 per cent. above what I had fixed. This at once put most of the village proprietors against them.

Zillah Poorwah,
Deputy Commissioner's Office, Oonam,
31 March 1858.

I have, &c.
(signed) *H. L. Evans*,
Deputy Commissioner

(True copy.)
(signed) T. D. Forsyth,
Secretary to the Chief Commissioner, Oude.

East India House,
10 June 1858.

(True copies.)
J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (OUDE).

COPY of LETTER of Captain Evans, Deputy Commissioner of Zillah *Pooruck* (*Oude*), reporting to the Chief Commissioner on the State of his District, dated 31 March 1858, together with accompanying or covering Letter.

(*Mr. Hankey.*)

Ordered, by The House of Commons, to be Printed,
11 June 1858.

EAST INDIA (GOVERNOR - GENERAL).

COPY of LETTER from the COURT of DIRECTORS of the East India Company
to the GOVERNOR-GENERAL of *India* in Council.

5 May 1858.

1. YOU will have received, by the mail of the 25th of March, a letter from the Secret Committee, which has since been laid before us, respecting the policy which it becomes you to pursue towards those natives of India who have recently been in arms against the authority of the British Government.

2. That letter emphatically confirms the principles which you have already adopted, as set forth in your circular of the 31st of July 1857, by impressing upon you the propriety of pursuing, after the conquest of the revolted provinces, a course of policy distinguished by a wise and discriminating generosity. You are exhorted to temper justice with mercy, and, except in cases of extreme criminality, to grant an amnesty to the vanquished. In the sentiments expressed by the Secret Committee we entirely concur. Whilst there are some crimes which humanity calls upon you to punish with the utmost severity, there are others of a less aggravated character, which it would be equally unjust and impolitic not to pardon and to forget.

3. The offences with which you will be called upon to deal are of three different kinds. Firstly, high crimes, instigated by malice prepense, and aggravated by treachery and cruelty. Secondly, offences the results rather of weakness than of malice, into which it is believed that many have been drawn by the contamination of example; by the fear of opposing themselves to their more powerful countrymen, or by the belief that they have been compromised by the acts of their associates rather than by any active desire to embarrass the existing Government. And, thirdly, offences of a less positive character, amounting to little more than passive connivance at evil, or at most to the act of giving such assistance to the rebels, as, if not given, would have been forcibly extorted, and which in many cases it would have been death to refuse to bodies of licentious and exasperated mutineers.

4. It is the first only of these offences, the perpetrators of which, and their accomplices, it will be your duty to visit with the severest penalty which you can inflict; and it is, happily, in such cases of exceptional atrocity, that you will have the least difficulty in proving both the commission of the offence, and the identity of the offender. In the other cases you might often be left in doubt, not only of the extent of the offence committed, but of its actual commission by the accused persons; and, although we are aware that the retribution which may be righteously inflicted upon the guilty may be in some measure restricted by too much nicety of specification, and that, in dealing with so large a mass of crime, it is difficult to avoid the commission of some acts of individual injustice, we may still express our desire that the utmost exertion may be made to confine, within the smallest possible compass, these cases of uncertain proof and dubious identity, even though your retributory measures should thus fall short of what in strict justice might be inflicted.

5. As soon as you have suppressed the active hostility of the enemy, your first care will be the restoration of public confidence. It will be your privilege when the disorganised provinces shall no longer be convulsed by intestine disorder, to set an example of toleration and forbearance towards the subject people, and to endeavour by every means consistent with the security of the British Empire in the East to allay the irritation and suspicion which if suffered to retain possession of the minds of the Native and European inhabitants of the country, will eventually lead to nothing less calamitous than a war of races.

6 In dealing with the people of Oude you will doubtless be moved by special considerations of justice and of policy. Throughout the recent contest we have ever regarded such of the inhabitants of that country as, not being sepoys or pensioners

pensioners of our own army, have been in arms against us, as an exceptionable class. They cannot be considered as traitors or even rebels, for they had not pledged their fidelity to us, and they had scarcely become our subjects. Many, by the introduction of a new system of government, had necessarily been deprived of the maintenance they had latterly enjoyed; and others feared that the speedy loss of their means of subsistence must follow from the same course. It was natural that such persons should avail themselves of the opportunity presented by the distracted state of the country to strike a blow for the restoration of the native rule, under which, the permitted disorganization of the country, had so long been to them a source of unlawful profit. Neither the disbanded soldiers of the late native Government, nor the great talookdars and their retainers, were under any obligation of fidelity to our Government for benefits conferred upon them. You would be justified, therefore, in dealing with them as you would with a foreign enemy, and in ceasing to consider them objects of punishment after they have once laid down their arms.

7. Of these arms they must for ever be deprived. You will doubtless in prosecution of this object address yourself, in the first instance, to the case of the great talookdars, who so successfully defied the late Government, and many of whom, with large bodies of armed men, appear to have aided the efforts of the mutinous soldiery of the Bengal army. The destruction of the fortified strongholds of these powerful landholders, the forfeiture of their remaining guns, the disarming and disbanding of their followers, will be among your first works. But whilst you are depriving this influential and once dangerous class of people of their power of openly resisting your authority, you will, we have no doubt, exert yourselves by every possible means to reconcile them to British rule, and encourage them, by liberal arrangements made in accordance with ancient usages, to become industrious agriculturists; and to employ in the cultivation of the soil the men who, as armed retainers, have so long wasted the substance of their masters, and desolated the land. We believe that these landholders may be taught that their holdings will be more profitable to them, under a strong government, capable of maintaining the peace of the country, and severely punishing agrarian outrages, than under one which perpetually invites, by its weakness, the ruinous arbitration of the sword.

8. Having thus endeavoured, on the re-establishment of the authority of the British Government in Oude, to re-assure the great landholders, you will proceed to consider, in the same spirit of toleration and forbearance, the condition of the great body of the people. You will bear in mind that it is necessary, in a transition state from one government to another, to deal tenderly with existing usages, and sometimes even with existing abuses. All precipitate reforms are dangerous. It is often wiser even to tolerate evil for a time than to alarm and to irritate the minds of the people by the sudden introduction of changes which time can alone teach them to appreciate, or even, perhaps, to understand. You will be especially careful, in the re-adjustment of the fiscal system of the province, to avoid the imposition of unaccustomed taxes, whether of a general or of a local character, pressing heavily upon the industrial resources, and affecting the daily comforts of the people. We do not estimate the successful administration of a newly acquired province according to the financial results of the first few years. At such a time we should endeavour to conciliate the people by wise concessions, and to do nothing to encourage the belief that the British Government is more covetous of revenue than the native ruler whom it has supplanted.

EAST INDIA (GOVERNOR-GENERAL).

**COPY of LETTER from the Court of Directors
of the East India Company to the Governor-
General of India in Council, dated 5 May 1859.**

(Presented to Parliament by Her Majesty's Command.)

*Ordered, by The House of Commons, to be Printed,
14 May 1858.*

278.

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EAST INDIA (OUDE PROCLAMATION).

COPY "of LETTER of the Secretary of the Chief Commissioner in *Oude* to the Secretary of the Governor General, dated Lucknow, the 8th March 1858, with reference to the issue of the PROCLAMATION to the People of *Oude*:"

"Also, LETTER of the Secretary of the Governor General to the Secretary of the Chief Commissioner in *Oude*, dated Allahabad, the 10th March, on the same subject:"

"Also, LETTER of the same to the same, of the 31st March, on the same subject."

India Board, }
20 May 1858. }

HENRY J. BAILLIE.

From *George Couper*, Esq., Secretary to the Chief Commissioner of *Oude*, to
G. F. Edmonstone, Esq., Secretary to the Government of India.

(Political.)

Sir,

D. Camp, Chimplut, 8 March 1858.

I AM directed to acknowledge the receipt of your letter, No. 191, dated 3d instant, enclosing a Proclamation to be issued to the landholders, chiefs, and inhabitants of *Oude*, upon the fall of the capital.

2. In this Proclamation an hereditary title in their estates is promised to such landholders as have been steadfast in their allegiance, and with these exceptions, the proprietary right in the soil of the province is confiscated.

3. The Chief Commissioner desires me to observe that in his belief there are not a dozen landholders in the province who have not themselves borne arms against us, or sent a representative to the Durbar, or assisted the rebel Government with men or money. The effect of the Proclamation, therefore, will be to confiscate the entire proprietary right in the soil; and this being the case, it is, of course, hopeless to attempt to enlist the landholders on the side of order; on the contrary, it is the Chief Commissioner's firm conviction that as soon as the chiefs and talookdars become acquainted with the determination of the Government to confiscate their rights, they will betake themselves at once to their domains, and prepare for a desperate and prolonged resistance.

4. The Chief Commissioner deems this matter of such vital importance, that, at the risk of being deemed importunate, he ventures to submit his views once more, in the hope that the Right Honourable the Governor General may yet be induced to reconsider the subject.

5. He is of opinion that the landholders were most unjustly treated under our settlement operations, and even had they not been so, that it would have required a degree of fidelity on their part quite foreign to the usual character of an *Astak* to have remained faithful to our Government under the shocks to which it was exposed in *Oude*. In fact, it was not till our rule was virtually at an end, and the whole country overrun, and the capital in the hands of the rebel army, that the talookdars, smarting as they were under the loss of their lands, sided against us. The Chief Commissioner thinks therefore, that they ought hardly to be considered as rebels, but rather as honourable enemies, to whom terms, such as they could without loss of dignity accept, should be offered at the termination of the campaign.

2 CORRESPONDENCE WITH REFERENCE TO THE ISSUE

If these men be given back their lands they will at once aid us in restoring order, and a police will soon be organised with their co-operation, which will render unnecessary the presence of our enormous army to re-establish tranquillity and confidence.

But if their life and freedom from imprisonment only be offered, they will resist; and the Chief Commissioner foresees that we are only at the commencement of a guerilla war for the extirpation, root and branch, of this class of men, which will involve the loss of thousands of Europeans by battle, disease, and exposure. It must be borne in mind that this species of warfare has always been peculiarly harassing to our Indian forces, and will be far more so at present when we are without a native army.

6. For the above reasons the Chief Commissioner earnestly requests that such landholders and chiefs as have not been accomplices in the cold-blooded murder of Europeans may be enlisted on our side by the restoration of their ancient possessions, subject to such restrictions as will protect their dependents from oppression. If his Lordship agree to this proposition, it will not yet be too late to communicate his assent by electric telegraph before the fall of the city, which will probably not take place for some days. Should no such communication be received, the Chief Commissioner will act upon his present instructions, satisfied that he has done all in his power to convince his Lordship that they will be ineffectual to re-establish our rule on a firm basis in Oude.

Chief Commissioner's Office,
Camp, Chimlut, 8 March.

I have, &c.
(signed) *G. Couper*,
Secretary to Chief Commissioner

From *G. F. Edmonstone*, Esq., Secretary Government of India, with the Governor General, to Major General Sir *J. Outram*, G.C.B., Chief Commissioner, Oude.

Sir, Allahabad, 10 March 1858.
Your secretary's letter of the 8th instant was delivered to me at an early hour this morning by Captain F. Birch, and it will receive a detailed reply in due course.
Meanwhile, I am desired by the Right Honourable the Governor General to subjoin a clause which may be inserted in the Proclamation (forwarded with my letter, No. 191, of 3d instant), after the paragraph which ends with the words, "Justice and mercy of the British Government."

"To those amongst them who shall promptly come forward, and give to the Chief Commissioner their support in the restoration of peace and order, this indulgence will be large, and the Governor General will be ready to view liberally the claims which they may thus acquire to a restitution of their former rights."

2. This clause will add little or nothing to your discretionary power, but it may serve to indicate more clearly to the talookdars, the liberal spirit in which the Governor General is prepared to review and reciprocate any advances on their part.

3. It is expected that you will find means to translate this additional clause into the vernacular languages, and that you will be able to have copies of the Proclamation, so amended, prepared in sufficient numbers, for immediate use. If more should be required, the magistrates of Cawnpore will lithograph them on your requisition.

4. It is very important, as you will readily see, that every copy of the vernacular version of the Proclamation sent to you, with my letter of the 3d instant, should be carefully destroyed.

I have, &c.
(signed) *G. F. Edmonstone*,
Allahabad, 10 March 1858. Secretary Government of India, with the Governor General.

OF THE PROCLAMATION TO THE PEOPLE OF OUDE.

(No. 467. A.)

FROM *G. F. Edmonstone* Esq., Secretary to the Government of India, with the Governor General, to Major General Sir *J. Outram*, G. C. B., Chief Commissioner of Oude.

Sir,

Allahabad, 31 March 1858.

IN replying at once on the 10th instant to your secretary's letter of the 8th, in which you urged reasons against the issue of the Proclamation to the talookdars and landholders of Oude, which had been transmitted to you by the Right Honourable the Governor General, my answer was confined to communicating to you the addition which his Lordship was willing to make to that Proclamation, without entering into the general questions raised in your letter. The Governor General desires me to express his hope that you will not have supposed that the arguments adduced by you were not fully weighed by him, or that your opinion upon a subject on which you are so well entitled to offer one, has not been received with sincere respect, although he was unable to concur in it.

G. F. E.
Esq. to the
General &
J. Outram
31 Marc

2. I am now directed by his Lordship to explain the grounds upon which the course advocated in your letter, viz. that such landholders and chiefs as have not been accomplices in the cold-blooded murder of Europeans should be enlisted on our side by the restoration of their ancient possessions, subject to such restrictions as will protect their dependents from oppression, is in the opinion of the Governor General inadmissible.

3. The Governor General entirely agrees with you in viewing the talookdars and landholders of Oude in a very different light from that in which rebels in our old provinces are to be regarded. The people of Oude had been subjects of the British Government for little more than one year when the mutinies broke out; they had become so by no act of their own. By the introduction of our rule many of the chiefs had suffered a loss of property, and all had experienced a diminution of the importance and arbitrary power which they had hitherto enjoyed; and it is no marvel that those amongst them who had thus been losers should, when they saw our authority dissolved, have hastened to shake off their new allegiance.

4. The Governor General views these circumstances as a palliation of acts of rebellion, even where hostility has been most active and systematic. Accordingly, punishment by death or imprisonment is at once put aside by the Proclamation in the case of all who shall submit themselves to the Government, and who are not murderers; and whilst confiscation of proprietary rights in the land is declared to be the general penalty, the means of obtaining more or less of exemption from it, and of establishing a claim to restitution of rights have been pointed out, and are within the reach of all without injury to their honour. Nothing more is required for this than that they should promptly tender their adhesion, and help to maintain peace and order.

5. The Governor General considers that the course thus taken is one consistent with the dignity of the Government, and abundantly lenient. To have followed that which is suggested in your secretary's letter, would, in his Lordship's opinion, have been to treat the rebels not only as honourable enemies, but as enemies who had won the day.

In the course of the rebellion, most of the leaders in it, probably all, have retaken to themselves the lands and villages of which they were deprived, by the summary settlement which followed the establishment of our Government in Oude. If upon the capture of Lucknow by the Commander-in-Chief, before our strength had been seen or felt in the distant districts, and before any submission had been received or invited from them, the rights of the rebel chiefs to all their ancient possessions had been recognised by the Government, it is not possible that the act would not have been viewed as dictated by fear or weakness. It would have led the people of Oude, and all who are watching the course of events in that province, to the conclusion that rebellion against the British Government cannot be a losing game, and although it might have

purchased an immediate return to order, it would not assuredly have placed the future peace of the province upon a secure foundation.

6. You observe, indeed, that the landholders were most unjustly treated under our settlement. The Governor General desires me to observe that if this were unreservedly the case, or if the proceedings of the Commissioners by which many of the talookdars were deprived of portions of their possessions had been generally unjust, he would gladly have concurred in your recommendation, and would have been ready, at the risk of any misinterpretation of the motives of the Government, to reinstate the talookdars at once in their old possessions. But it is not so. As a question of policy, indeed, the Governor General considers that it may well be doubted whether the attempt to introduce into Oude a system of village settlement in place of the old settlement under talookdars was a wise one; but this is a point which need not be discussed here. As a question of justice, it is certain that the lands and villages taken from the talookdars had, for the most part, been usurped by them through fraud or violence.

7. That unjust decisions were come to by some of our local officers in investigating and judging the titles of the landholders is, the Governor General fears, too true; but the proper way of rectifying such injustice is by a rehearing where complaint is made. This, you are aware, is the course which the Governor General is prepared to adopt, and to carry out in a liberal and conciliatory spirit. It is a very different one from proclaiming that indiscriminate restitution of all their ancient possessions is at once to be yielded to the landholders.

8. That the hostility of the talookdars of Oude who have been most active against the British Government has been provoked, or is excused, by the injustice with which they have been treated, would seem to be your opinion.

But I am to observe, that there are some facts which deserve to be weighed before pronouncing that this is the case.

9. No chiefs have been more open in their rebellion than the Rajahs of Churda, Bilinga, and Gonda. The Governor General believes that the first of these did not lose a single village by the summary settlement, and certainly his assessment was materially reduced. The second was dealt with in a like liberal manner. The Rajah of Gonda lost about 30 villages out of 400; but his assessment was lowered by some 10,000 rupees.

10. No one was more benefited by the change of government than the young Rajah of Naupara. His estates had been the object of a civil war with a rival claimant for three years, and of these he was at once recognised as sole proprietor by the British Government, losing only six villages out of more than a thousand. His mother was appointed guardian; but her troops have been fighting against us at Lucknow from the beginning.

11. The Rajah of Dhowrera, also a minor, was treated with equal liberality. Every village was settled with his family; yet these people turned upon Captain Hearsey and his party, refused them shelter, pursued them, captured the ladies, and sent them into Lucknow.

12. Ushruf Bux Khan, a large talookdar in Gonda, who had long been an object of persecution by the late Government, was established in the possession of all his property by us; yet he has been strongly hostile.

13. It is clear that injustice at the hands of the British Government has not been the cause of the hostility which in these instances, at least, has been displayed towards our rule.

14. The moving spirit of these men and of others amongst the chiefs of Oude must be looked for elsewhere; and in the opinion of the Governor General it is to be found mainly in the repugnance which they feel to suffer any restraint of their hitherto arbitrary powers over those about them, to a diminution of their importance by being brought under equal laws, and to the obligation of disbanding their armed followers, and of living a peaceful and orderly life.

15. The penalty of confiscation of property is no more than a just one in such cases as have been above recited; and although considerations of policy and

OF THE PROCLAMATION TO THE PEOPLE OF OUDE. 5

and mercy and the newness of our rule prescribe a relaxation of the sentence more or less large according to the features of each case, this relaxation must be preceded by submission, and the Governor General cannot consent to offer all, without distinction, an entire exemption from penalty, and the restoration of all former possessions, even though they should not have been guilty of the murder of Europeans.

I have, &c.
(signed) *G. F. Edmonstone*, Secy. to the Govt.
of India with the Governor General.

Allahabad,
31 March 1858.

EAST INDIA (OUDÉ PROCLAMATION).

COPY of LETTER of the Secretary of the Chief Commissioner in Oude to the Secretary of the Governor General, dated January, 8 March 1858, with reference to the issue of the PROCLAMATION to the People of Oude; and of LETTERS of the Secretary of the Governor General to the Secretary of the Chief Commissioner in Oude, dated 10 and 21 March 1858, on the same subject.

[Presented by Command of His Majesty]

(Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
20 May 1858

EAST INDIA (OUDE).

RETURN to an Order of the Honourable The House of Commons,
dated 9 March 1857;—for,

A RETURN “showing the NAMES of all CREDITORS on the State of *Oude*, and the AMOUNT of their respective CLAIMS, so far as such RETURN can be made without reference to *India*.”

East India House,
17 March 1857. }

JAMES C. MELVILL.

AMOUNT OF CLAIMS.

- Major WEBBER.—Claim for raising and accoutring a Regiment of Cavalry for the Vizier of Oude, in 1776. Amount not known.
- Captain EDWARDS.—Bond from the Nabob of Oude, for arrears of pay, as Aide-de-Camp to his Highness.
- Major JOHN DARRELL.—Bond in 1785 for 98,000 rupees, on account of arrears of pay while in the military service of the Nabob of Oude.
- Mr. ROBERT GRANT.—Bond dated 12th of December 1783, for 90,265 rupees, with interest at 12 per cent. per annum, on account of certain transactions with the Nabob of Oude.
- Captain W. L. FRITH.—11,87,450 rupees (inclusive of interest at 12 per cent. per annum), the amount of certain bonds given to his father, the Lieut.-colonel Frith, for advances alleged to have been made in 1782-3 for the payment of the Brigade in the service of the Vizier of Oude Asoph ul Dowlah, of which Colonel Frith was in command. From the above amount must be deducted a lac of rupees, received by Colonel Frith in 1789-90-91, by assignments on the Nawab of Furruckabad.
- MUNHUR DOSS and SETUL BABOO, bankers at Lucknow.—11,58,700 rupees, with interest, being the amount of loans made to the Nabob, Asoph ul Dowlah, 1787.
- Mr. J. H. CLARKE.—Claim for a house and ground given to him by the Vizier, Sadut Ali Khan, of which he was deprived under his successor.

(True copy.)

East India House,
17 March 1857. }

J. S. Mill,

Examiner of India Correspondence.

EAST INDIA (OLD)

RETURN showing the NAMES of all CREDITORS
on the State of Oude, and the AMOUNT of their
respective CLAIMS, so far as such Return can
be made without reference to India.

(Mr. Olney.)

Ordered, by The House of Commons, to be Printed,
18 March 1857.

EAST INDIA (GOVERNMENT OF OUDE).

RETURN to an Order of the Honourable The House of Commons,
dated 5 February 1857;—for,

- A COPY “ of a LETTER addressed by the Court of Directors of the East India Company to the Governor-General of India in Council, on the 10th day of December 1856, relative to the Assumption of the Government of *Oude*, and the Introduction into that Country of a System of Administration superintended by British Officers.”

India Board, }
5 February 1857. }

HENRY DANBY SEYMOUR.

POLITICAL DEPARTMENT.

(No. 47 of 1856.)

The Court of Directors of the East India Company to the Governor-General of India in Council.

London, 10 December 1856.

Para. 1. WE have read with deep interest the important papers noted in the margin,* relative to your assumption of the Government of Oude, and the introduction into that country of a system of administration superintended by British officers.

2. An expanse of territory embracing an area of nearly 25,000 square miles, and containing 5,000,000 of inhabitants, has passed from its native prince to the Queen of England without the expenditure of a drop of blood, and almost without a murmur.

3. The peaceable manner in which this great change has been accomplished, and the tranquillity which has since prevailed in all parts of the country, are circumstances which could not fail to excite in us the liveliest emotions of thankfulness and pleasure.

4. In our despatch under date the 21st of November (No. 33) 1855, we informed your Government that we were fully prepared to take upon ourselves the responsibility of enjoining you to assume authoritatively the powers necessary to the permanent establishment of good government throughout the country. Reposing the utmost confidence in the judgment and sagacity of the distinguished statesman, who, during a period of eight years, had so successfully administered the affairs of the British empire in India, we did not hesitate to entrust him with a wide discretion as to the mode of carrying out this important measure; being assured that he would act in the manner best calculated to secure its peaceful accomplishment, “with every proper and humane consideration for all persons whose feelings had a just claim to be consulted.”

5. We need not now discuss the question whether the measure at first proposed by the Marquis of Dalhousie, of withdrawing from Lucknow the British Resident and our troops, would or would not have induced the calamities predicted by his colleagues. In deference to the opinions of the other members of the Government the Governor-general ceased to recommend the withdrawal, and
it

* India foreign letters: 22 February (No. 23) 1856; 8 March (No. 29) 1856; 22 March (No. 31) 1856; 8 April (No. 35) 1856; 8 April (No. 44) 1856; 22 April (No. 45) 1856; 3 May (No. 51) 1856.

it was resolved that, after the military dispositions necessary to secure the success of our political measures had been completed, the Resident should be instructed to declare null and void the treaty of 1801; the stipulations of which, in defiance of repeated warnings, had been for so many years set at nought by the Kings of Oude; and to offer a new treaty for the King's acceptance, announcing at the same time that, whether the treaty were accepted or not, the government of the territories of Oude would be thenceforth vested exclusively and for ever in the East India Company.

6. The treaty which was offered for the King's acceptance differed from that which had been previously sketched in Lord Dalhousie's Minute of the 18th of June, rather in form than in substance. In the treaty first proposed it was set forth, that the British Government and the King of Oude respectively should "retain the sovereignty of all the territories of which they are now in possession." But, as the whole civil and military administration of Oude and the disposal of its revenues were to pass into the hands of the British Government, we prefer the more direct language of the treaty actually proposed to the King, by which the administration of the country is, in the first article, assumed by the British Government; and, in a subsequent one, the "sovereign title" only is allowed to remain with the King and his descendants. It might have been preferable that no stipulations had been made regarding the hereditary descent of the titular honours retained by the King, but in order to obtain his Majesty's assent to the terms of the treaty, we should have been content to submit to the inconvenience rather than, by withholding such a concession, oppose an obstacle to the acceptance of the proposed conditions.

7. The letter of the Governor-general to the King, which accompanied the draft treaty, while sufficiently decided in its tone, evinced every just consideration for the feelings of the King, and every possible desire to secure his future dignity and comfort. But it entirely failed to produce the desired effect. Neither the exhortations of the Governor-general nor those of the Resident could induce him to accept the treaty. He spoke of proceeding to England, and actually commenced his march to Calcutta. In this state of affairs the proceedings which you adopted were equally prudent in themselves, and considerate as regards the King. You very properly caused it to be intimated to him, that, while every facility would be afforded for the prosecution of his journey to the presidency, as a private individual, accompanied by a moderate escort, he would, on his arrival at Calcutta, not be received by the Governor-general.

8. With respect to the future provision to be made for the King, you have rightly, under these altered circumstances, caused it to be intimated to his Majesty that his annual stipend has been fixed at an amount of 12 lakhs of rupees. We are not disposed to dissent from the considerations which induced you to withhold the additional three lakhs (for the payment of the Palace Guards); the guarantee of which was one of the stipulations of the proposed treaty. Upon this point there appears to have been no difference of opinion between the members of your Government.

9. They are also unanimous in their opinion, that it is not advisable to perpetuate or to prolong the tenure of the royal title. Half a century ago, our new and critical position among the Mahomedans of North Western India compelled us to respect the titular dignity of the Kings of Delhi. But the experiences of that half century have abundantly demonstrated the inconveniences of suffering an empty nominal sovereignty to descend from generation to generation, and the continuance of such a phantom of power must be productive of inconvenience to our Government, and we believe of more mortification than gratification to the royal pensioners themselves. It fosters humiliating recollections; it engenders delusive hopes; it is the fruitful source of intrigues that end in disappointment and disgrace; the evil is not limited to the effect produced upon the members of the royal house; prone to intrigue themselves, they become also a centre for the intrigues of others. It is natural, also, that the younger members of such a family should feel a greater repugnance than they otherwise would to mix with the community and become industrious and useful subjects.

10. Strongly

10. Strongly impressed with these convictions, we, therefore, observe with satisfaction that no pledge or promise of any kind with regard to the recognition by our Government of the kingly title after the death of the present titular sovereign, Wajid Ali Shah, has been made to him or to his heirs.

11. The objections above urged against the perpetuation of the royal title do not apply with equal cogency to the guaranteed continuance of a fixed stipend to the descendants of the present titular King. Upon this point we observe, that the members of your Government were divided in opinion. The Governor-general, Lord Dalhousie, observed,* that "the stipend which should be allotted to the King's heirs after his Majesty's decease ought, like the kingly title, to be reserved for consideration by the Government on the occurrence of this event." In this opinion, General Anson, Mr. Dorin, and Mr. Grant, concurred. But, on the other hand, General Low strongly recommended that the amount of stipend to descend to the heirs of the present titular king should be fixed by the Indian authorities in England; and that it should not, under any circumstances, be less than ten lakhs of rupees per annum. "I should much prefer it," he added, "if 12 lakhs were allotted to the heirs."

12. The views of the Governor-general, and of the members of council who concurred with him, were enforced by the statement, that it was "distinctly and repeatedly explained to the King, that the advantage which he would gain by entering into the new arrangement which was offered to him, would be security for rank and title for himself and his descendants, and security also for the royal stipends which had been allotted to him and to his heirs respectively; while his refusal to sign the treaty would leave him without any security whatever, either for the kingly title, or for the stipend which, in other circumstances, would be permanently settled upon him." On the other hand, it was contended by General Low, that the sons of the present King were "so young that they could not, in any degree, be blamed for his blunder, in not signing the proposed treaty; and, therefore, they ought not to be made to suffer by it." The King, it was added, "is sufficiently punished for the blunder, and as he issued all the orders and proclamations which we could desire, and did his utmost to prevent all risk of life at the capital, by dismounting his guns, &c., I think it would be harsh and not creditable to a great paramount state, which will gain immense profit from the possession of the Oude territories, if, in addition to the loss that we made the King sustain, we were also to injure the interests of his heirs by curtailing the income at first intended for them; that is to say, twelve lakhs of rupees per annum for the heirs of the present King; not heirs according to Mahomedan usages, but only those persons who may be direct male descendants of the present King, born in lawful wedlock."

13. We have given to these several views and arguments our most deliberate consideration. It is true that the King was sufficiently warned of the probable consequences of refusing to sign the treaty offered to him; and that, having refused to sign it, he "has placed himself in entire dependence upon the pleasure of the British Government;" yet, adverting to the short period necessarily allowed to him for reflection on so momentous a subject as the abdication of his sovereign power, and the evil counsel to which he was exposed, and his own understanding, enfeebled by debauchery, we are still willing to concede to him a part of the boon which was offered to him, in the event of his signing the treaty. By the withdrawal of the additional grant of three lakhs of rupees for the maintenance of the palace-guards, and by the limitation of the titular sovereignty to the present King, the warnings of your Government will be sufficiently vindicated; while, by confining to these forfeitures the threatened consequences of his Majesty's ill-advised refusal, we shall relieve the minds of the royal family of all anxiety with respect to their future provision. We shall also make manifest, that, in achieving a great object in the interests of good government, and the happiness of a large population, we have fulfilled our determination to act with every proper and humane consideration for all persons whose feelings have a just claim to be consulted. We desire, therefore, that, in the arrangements which may be made for the endowment of the royal family of Oude, the twelve lakhs of rupees set apart for the annual provision of the present titular

* Minute, 13 February 1856.

titular King, be considered an hereditary grant to descend, without diminution to his heirs; that is, to his direct male descendants born in lawful wedlock. We leave it to your Government, with reference to Article VI. of the proposed treaty, to decide what members of the royal family shall be supported out of this hereditary grant of twelve lakhs per annum, and what members shall be brought under the provisions of the above-mentioned article.

14. We think also that some stipulations should be made as to the education and conduct of the young princes, and a proper superintendence of them, in the hope, which we trust is not visionary, of their becoming hereafter useful citizens.

15. We desire, also, that you will take into your consideration whether, as an arrangement which, if it will admit of a practical solution, may be a source of much gratification to the titular King of Oude and his descendants, a part of this allowance of twelve lakhs of rupees per annum may not advantageously be commuted for an hereditary jagheer, not exceeding five lakhs per annum, in amount. We do not wish that any powers of administration should be vested in the family, for which they would probably be as ill qualified as they have proved to be for the government of the country. But, when the rights of all classes connected with the soil have been properly secured by our settlement officers, means being also provided either by the ordinary, or what would be safer perhaps, by special tribunals, whereby redress may be easily obtained for all injuries, we do not conceive that any serious inconvenience would be incurred by maintaining the family in the condition of wealthy jagheerdars, while the duties and occupations naturally belonging to that position might possibly save them from sinking into the degraded habits of life, of which we have unfortunately so many examples in the families of deposed princes.

16. From the conduct of the King, and the claims of the family, we turn to the behaviour of the chiefs, and the great body of the people, whose ready acquiescence in the great change to which they have been subjected we have noticed with extreme satisfaction. Apart from the considerations of humanity suggested by such a result, we regard it as an additional and conclusive evidence of the fact, that no attachment to the old government of Oude existed among the people of the country.

17. Respecting, indeed, the peaceable demeanour, in this crisis, of the great bulk of the people, we entertained no doubts or misgivings; but there were two influential classes whose behaviour in such a conjuncture might have proved a source of considerable inconvenience; namely, the great zemindars and the soldiers. Regarding the former, we find little positive information in the papers before us. From incidental allusions, it is, however, to be gathered that, up to the date of our last advices, the principal landholders had exhibited a disposition rather to aid than to embarrass the new Government; and we see no reason to apprehend that the measures recommended by your Government, for the realization of the revenue due to the State, will provoke any opposition. The justice of the demand cannot be questioned. The revenue has, in most cases, as stated by Mr. Gubbins, been already paid by the ryot, and ought to have been paid into the public Treasury. The expediency of the demand is, however, questioned by the Chief Commissioner, who says that it would, in some instances, place our officers in a disagreeable position, inasmuch as they had announced that we had no concern with the balance due to the King. But, on the other hand, to excuse defaulters the payment of their dues, is to do a constructive injustice to those zemindars who are not defaulters, and who may, not unreasonably, complain that they will have been largely mulcted for their honesty. We approve, therefore, of the determination of your Government, as announced in your letter to the Chief Commissioner of the 28th of March, to some parts of which we shall have occasion to refer in a future communication.

18. The probable temper of the army, a force computed on paper at some 60,000 men of all arms, on the announcement of a measure which threw a large proportion of them out of employment, and transferred the remainder to a new master, was naturally a source of some anxiety to us. In your scheme for the future government and administration of the Oude provinces, communicated to Major-general Outram in Mr. Edmonstone's letter of the 4th of February, you

you proposed the organisation of an Oude irregular force, into which you suggested the absorption of as large a number of the disbanded soldiers of the King as could be employed in such a corps, whilst others were to be provided for in the military and district police ; but you observed at the same time, that these arrangements would not absorb one-half of the disbanded troops. In the remainder you determined to grant pensions and gratuities, graduated according to length of service. There were no better means than these of palliating a difficulty which could not be avoided. But only partial success was to be expected from so partial a measure. As a further precaution, the Chief Commissioner deemed it expedient to promise pensions of rupees 100 a month to the commandants of the regiments of the late King, some 60 in number, conditional on their lending their cordial co-operation to the Government in this crisis, and provided that their regiments remained quiet and loyal. We recognise the force of the Chief Commissioner's argument in support of these grants, and are willing to adopt his suggestion, that, in the event of any of these men accepting office as Tuhseeldars, or other functionaries, under our Government, the amount of their pensions should still be paid to them.

19. Another question of great importance was, as to the payment of arrears due from the King to the army.

20. Your instructions affecting this point were, 1st, the letter from Mr. Edmonstone, of the 4th of February, directing that a gratuity of three months' pay should be given to every discharged soldier, who had served for seven and not for 15 years ; with greater advantages for longer service ; and 2dly, the letter of the 23d of February, which said, " It is understood that on settling the claims of the King's troops at Lucknow, you (the Chief Commissioner) have proceeded, as a matter of policy and equity, on the principle of admitting the claims of the troops to arrears of the current Oude year ; that is, for between four and five months. The Governor-general in Council is prepared to recognise and make good arrears to the troops to the extent above-mentioned, but for no longer period."

21. The Chief Commissioner having interpreted the first letter to signify that "no man under fifteen years' service was to receive a gratuity on discharge," and not having received the second letter, had, as a measure of expediency, guaranteed "to the troops" their "arrears for 1262," that is, for one year more than your letter of the 23d of February authorised.

22. You pointed out to Major-general Outram his mistake, but you very properly added, "The Government cannot, with any consistency or good faith, reject the claim of the troops to arrears from the beginning of 1262 fuslee. The consequence of the guarantee for that period must be accepted, and those arrears must be paid, subject to the condition, of course, of reasonable proof that the claim is in each case well founded. And you are accordingly hereby authorised to sanction disbursements on account of arrears due to the King's troops for the 16 or 17 months, extending from the beginning of 1262 fuslee, to the date on which we assumed the Government of the Province of Oude."

23. On assuming the administration of a country previously ruled by a native prince, it is always our desire, and it should always be our endeavour, to render the transition as little productive as possible of temporary injury or inconvenience to all classes of the community. The army, a large number of whose members are necessarily thrown out of employment, and who cannot immediately find, if the habits of their past lives fitted them for, industrial occupation, are peculiarly entitled to liberal consideration. It is, doubtless, true that, as stated by the Chief Commissioner, the soldiery of Oude have "fattened on rapine and plunder." And it is certain, that the servants of the Oude Government enriched themselves at the expense of the people. But this was only part of the system under which they lived ; nothing better indeed was to be expected from men whose pay, after it had been tardily extracted from the Treasury, was liable to be withheld from them by a fraudulent minister. Whatever may have been the past excesses and the illicit gains of the soldiers, it was the duty of the British Government in this conjuncture to investigate their claims to the arrears of regular pay alleged to be due to them by the Oude Government ; and having satisfied ourselves of the justice of these claims, to discharge the liabilities in

full. We observe with satisfaction that this has been done, although we are aware that the heavy expenses attending the first occupation of a newly acquired country are a very serious inconvenience, and one which leads to much misapprehension or misrepresentation of measures which cannot be judged by the financial result of the first few years.

24. We concur, moreover, in the very judicious remark made by Viscount Canning in his minute of the 5th of March, "that a few lakhs spent in closing the account, without injustice, and even with liberality, will be well repaid if we can thereby smooth down discontent and escape disturbance." We are glad to observe that your Government and the Chief Commissioner are actuated by similar motives in this respect; and we understand that, in fact, you do intend to pay all the legitimate arrears due from the Government of the King.

25. We have read with attention the very interesting and able letter of instructions which was addressed to the Chief Commissioner of Oude on the 4th of February, wherein the whole system of administration to be introduced into the country is clearly stated in detail. In all its leading features it corresponds with the system under which the affairs of the Punjab have been successfully administered. We approve of the liberal sentiments expressed in the 122d and two concluding paragraphs, and we desire that every effort may be made to carry out the benevolent objects glanced at in those passages. A fertile country, occupied by a fine race of men, has suddenly passed under our rule; and as it is our first duty to render the introduction of our Government a blessing to our new subjects, so it is our first wish that this duty may be so effectually performed that there shall henceforth be no conflict of opinion regarding the beneficent results of the peaceful revolution by which the kingdom of Oude has been converted into a province of the British empire in the East.

26. We cannot conclude this despatch without expressing our high appreciation of the wisdom and energy which have distinguished the proceedings of your Government throughout the whole of these momentous transactions; and of the judgment and vigour displayed by your agents. The conduct of Major-general Sir James Outram in a crisis demanding not only much firmness and resolution on the one hand, but much delicacy and address on the other, has confirmed our opinion of the high qualities of that distinguished officer; and we desire that you will convey to him our thanks for his able performance of the difficult and trying duties which fell to his share.

We are,

Your affectionate Friends,

W. H. Sykes,
R. D. Mangles, &c.

EAST INDIA (GOVERNMENT OF OUDÉ).

COPY of a LETTER addressed by the Court of Directors of the East India Company to the Governor-General of *India* in Council, 10 December 1856, relative to the Assumption of the Government of *Oudé*, &c.

(*Mr. Symon.*)

Ordered, by The House of Commons, to be Printed,
5 February 1857.

EAST INDIA.

(BENGAL—MEMORIAL OF MISSIONARIES.)

RETURN to an Order of the Honourable The House of Commons,
dated 19 May 1857 ;—for,

A COPY “of the MINUTE recorded by the Lieutenant-governor of *Bengal* ; of the MINUTES recorded by the several Members of Council of the Supreme Government of *India* ; of the LETTER written by the Secretary to the Government of *India* to the Secretary to the Government of *Bengal* ; and of the LETTER from the Court of Directors of the East India Company to the Governor-general of *India* in Council ; respecting the MEMORIAL of certain MISSIONARIES residing in or near *Calcutta*, dated the 2d day of September 1856.”

India Board, }
19 May 1857. }

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MINUTE by the Honourable Mr. *Halliday*.

18 September 1856.

THIS is a Memorial which has been submitted to me by certain Christian missionaries concerning the state of the provinces subject to the Government of Bengal, with a request that I will lay it before the Right Honourable the Governor-general in Council.

Memorial from certain Christian Missionaries, on the state of the rural population.

2. It will be seen that the Memorialists declare their belief that “in many districts neither life nor property is secure, that gang robberies of the most daring character are perpetrated annually in great numbers, with impunity, and that there are constant scenes of violence in contentions respecting disputed boundaries between the owners of landed estates.”

3. The Memorialists ascribe these evils to “the inefficiency of the police, and the judicial system ;” regarding the former of which they inveigh against the village chowkeydars and the stipendiary thannah police as corrupt, oppressive, and incompetent.

4. The working of the zemindaree system is considered by the Memorialists as one of the most active causes of evil. It encourages, they say, the concealment, and consequently the commission, of crime. It impedes the administration of justice ; and, whilst it emboldens the rich to set the law at defiance, it leads the poor to despair of obtaining redress even against the greatest wrong that may be inflicted on them. “It tends,” the Memorialists add, “to demoralise and pauperise the peasantry, and to reduce this fair and fertile land to a condition similar to that under which Ireland suffered so grievously and so long.”

5. From all this it has resulted, in the judgment of the Memorialists, that the rural population of Bengal commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures, and the extortion of the zemindars, aggravated by the inefficiency and the cruelties of the peace officers, who are paid by the chowkedarry tax, or by the Government.

6. And besides the causes above assigned, the Memorialists attribute much of the lawlessness of which they complain, to "the want of a complete survey of the estates of the country, of a Registration Act to settle titles, and of laws to obviate the infinite mischief of the universal system of secret trusts," from which wants arise constant conflict and violence, and the tenant is reduced, not merely to beggary, but also in many cases to a state of the most abject and pitiable servitude.

7. In effect, the Memorialists declare the social condition of the people of Bengal to be "deplorable in the extreme," and affirm that a spirit of sullen discontent prevails among the rural population, from an impression that the Government is indifferent to their sufferings, that the discontent is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds.

8. This being, in the opinion of the Memorialists, the actual state of things, they go on to express their earnest desire that a Commission may be appointed, consisting of men of independent minds, unbiassed by official or local prejudices, to institute a searching inquiry into all the causes that now affect the condition of the population, and "especially the following eight subjects :"

1st. "The state of the police and the judicial system."

2d. "The powers and influence of the zemindars and planters, and how those powers are used."

3d. "The resources and earnings of the labouring classes, and the proportion which these bear to the rent that they are compelled to pay."

4th. "The harassing exactions and oppressions to which the poor are subject."

5th. "The landed tenures."

6th. "The extension of the Government sales of ardent spirits and intoxicating drugs, among a people once celebrated for temperance."*

7th. "The actual extent to which education is provided for the masses ;" and,

8th. "The best means of alleviating the sufferings, and elevating the condition, of the people."

9. Notwithstanding the authority which cannot but attach to the respected names appended to this memorial, and notwithstanding the estimation with which the motives and purposes of these excellent and useful missionaries must certainly be regarded, it is impossible for any one who has had the large and frequent opportunities which I have enjoyed of acquainting myself by personal intercourse with all classes, Native and European, in and out of the service, and thereby acquiring a knowledge of the real state of things, to admit, as a correct representation of facts, the picture which is drawn in this Memorial of the general condition of the rural population of Bengal.

10. It is a picture, founded doubtless on some isolated facts, which have occasionally come to the knowledge of missionaries in the mofussil, and it also represents some circumstances which might, and no doubt sometimes, do happen in the present state, not only of the law, which admits of speedy alteration, but also of national morals, education, and public opinion, which cannot be speedily amended by the Government, but must await the comparatively slow advance of general civilisation and improvement. But it is not, in my judgment, by any means an accurate representation of the state of the actual relations between landlord and

* The Memorialists do not seem to be aware that there is no such thing as a Government sale of ardent spirits and intoxicating drugs. The Government largely taxes the sale of such articles, with a view to discourage it. The Government sells nothing of the kind except opium, which is a special matter, subsidiary to the general monopoly, and evidently not the article to which the Memorialists allude.

landlord (or planter) and tenant, and of the condition of the rural population over the most part of the territory to which it purports to apply; and, above all, I must take leave to express my absolute dissent from the statement made, doubtless in perfect good faith, that the people exhibit a spirit of sullen discontent on account of the miseries ascribed to them, and that there exists among them that bitter hatred to the Government which has filled the Memorialists, as they declare, "with alarm as well as sorrow."

11. Great stress is laid by the Memorialists on the inefficient condition of the police, and the defects of the judicial system. They call, first and foremost, for inquiry into these, in preference to all other subjects of investigation, and they designate them, and with perfect truth, the radical cause of the social evils of which I am far from denying the existence, though I am not disposed to look upon them as so dark and deplorable as they appear in the painting of the Memorialists. But why appoint a commission to inquire into such matters as those? They have been inquired into repeatedly, and their defects thoroughly examined and exposed. Measures for the improvement of both the police and the judicial system are now, as is well known, under the consideration of the Executive Government, and likely soon to be presented to the Legislature. The time present is, as regards those things, not the time for investigation but for action, and anything that is likely to delay action on those points will impede the very consummation which the Memorialists so greatly desire. Nothing would so surely, or so long, delay the completion of the necessary improvements in the police and in the judicial system, as a commission for a new inquiry into those subjects, and, on that ground alone, further inquiry is to be deprecated.

12. But it is certain, no less from the statements of the Memorialists themselves than from the obvious nature of the case, that reform in these two important points will go a great way towards removing the evils which undoubtedly affect the condition of the rural population. This is a country in which, owing to imperfect civilisation, scanty knowledge, and a low standard of morality, to habits of selfish domination in one part of the population, and of slavish submission in another part, might is at all times very apt to be made right. It is a country, therefore, in which the poor will greatly need, for their protection against the rich, a strong and incorrupt police, and a pure, simple, and accessible judicial system. As soon as the police is put on as reasonably sound a footing as the condition of the country allows, and as soon as the judicial system has been simplified, cheapened, and rendered easily accessible, the greater part will have been done of all that a Government can at present do in this country, towards the protection of its poorer against its richer subjects; and when the law of landlord and tenant is amended, a subject on which I have been recently occupied in inquiry, and regarding which a project of law will shortly be placed before the Legislative Council, I know not what more will remain in the way of legislative improvement to meet the fullest wishes of the Memorialists, and of all who, like the Memorialists, are benevolently intent on raising and bettering the material condition of the Bengal agriculturalist.

13. That the Government is actually engaged in measures for this purpose is notorious. They may perform the duty well or ill; as fast as can be expected, or with unreasonable delay; whatever be the case, no one can say that the Memorialists, and others having the same good purposes as the Memorialists, ought not to assist by information and suggestions, and to stimulate and quicken by earnest appeal and exhortation. On the contrary, all they can do in these ways must be useful, and can seldom fail to be acceptable. At all events, it must tend to improve the forthcoming measures, and to accelerate their completion. And when they shall have been completed, with the aid of all well-informed and public-spirited persons like the Memorialists, we shall, I hope, have done all that present circumstances place within our power towards giving to the ryot a just and fair rule of conduct for the mutual relations between himself and the zemindar; a police capable of protecting him against violence and aggression; and a judicial system suited to his position, his wants, and his means, and available, without unreasonable delays and impediments, to afford him redress against his most powerful oppressors. But, to appoint a commission to inquire into these matters is certainly not the way to hasten the accomplishment of the business in hand, but to retard it.

14. It must be obvious, I think, that while some of the questions on which the Memorialists propose to employ Commissioners of Inquiry, are such as require at present no investigation, others are such as no investigation would be likely to bring to a profitable or satisfactory termination. Upon "the state of the police and judicial system," inquiry has been pushed to a sufficient extent; and action, the consequence of inquiry, is what is now most urgently called for. Upon "the actual extent to which education is now provided for the masses," no inquiry could give fuller information than has resulted from the investigations of Mr. Adam; in consequence of which, it has been provided, in the educational measures dictated by the Home Government, and only just coming into operation here, that the education of the masses in the vernacular shall be a large and important part of the care, and the expenditure, of Government. In this, as in the previous subject named by the Memorialists, investigation seems to have been suggested just when the time for investigation has passed away, and when it would be more to the purpose to assist and accelerate the measures actually in progress, than to impede them by proposals for inquiry. And what sound practical purposes could possibly be served, in the present state of the case, by sending commissioners to open up such subjects of investigation as "the powers and influence of the zemindars and planters, and how those powers are used," or the resources and earnings of the labouring classes, and the proportions which these bear to the rent that they are compelled to pay; or, again, "the harassing exactions and oppressions to which the poor are subject?" The great matter in hand for the classes affected by these questions, is to have a good police, a good law of landlord and tenant, and a good judicial system; and when these are secured, the rest (so far as the state of morals and civilisation permit) will follow of itself. And for morals and civilisation we can but look to the results of education, now well known to be in active prosecution by Government, and to the exertions of the Memorialists, and the other similar public benefactors.

15. Of the other subjects of inquiry proposed by the Memorialists, one, that relating to the Excise revenue, seems, as I have said, to have been suggested under a mistaken view of facts. There are no such things as "Government sales" of "ardent spirits and intoxicating drugs;" and it is not possible that the taxing heavily of a given commodity should increase* its consumption, except by encouraging smuggling, which is not the statement made, or in fact the thing aimed at, by the Memorialists. The other two subjects of inquiry are the "landed tenures," and "the best means of alleviating the sufferings and elevating the condition of the people;" of which the first, however interesting, seems to me to have but a remote bearing on the matter in hand; and the other is a profound and extensive question, the solution of which is not more desirable in India than in any other country, but which has in no country been sought, and in none surely is likely to be attained, by the labours of any commissioners who could possibly be selected for the purpose.

16. Lastly, I should apprehend that even if it were thought proper to enter upon these delicate, intricate, and extensive investigations, it would be a matter of extreme difficulty to select such an agency as should fulfil the conditions imposed by the Memorialists, and at the same time be satisfactory to the various classes liable to be affected by their Report, or to the Government which would have to act upon it hereafter. The commissioners are to be "men of independent minds, unbiassed by official or local prejudices." There must, therefore, be no Government officers on the commission; no zemindars, or the agents of zemindars; no indigo planters; and no merchants who are of
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* The Board of Revenue, in a recent letter to Government, have written on this subject in the following terms:—"To whatever causes the increase of the consumption of intoxicating liquors in this country (a fact which is universally admitted) is attributable, the Board unhesitatingly deny that the imposition of a tax upon the community can have anything to do with it. They quite agree with Mr. Atherton, that, far from fostering or encouraging, in the slightest degree, a habit so pernicious to the health, and injurious to the welfare of its subjects, it should be the duty of every wise Government, by all just means, to suppress it; but they believe that prohibitory legislation on such a subject would be ineffectual, and that all that the Government can do, is to impose as heavy a tax on spirits as is practicable, without leading to illicit manufacture."

one mind and one interest with indigo planters. There can be no missionaries employed in the inquiry, with any chance of giving satisfaction to indigo planters or zemindars; and, in short, every one seems to be excluded who has knowledge of the language and the country, or experience of the people. From the inquiries of commissioners destitute of these important qualifications, not even the Memorialists themselves could, I suppose, anticipate any happy results.

17. In forwarding therefore this Memorial, in order to its being laid before the Right Honourable the Governor-general in Council, I am unable to support its prayer with any favourable recommendation. On the contrary, I would earnestly deprecate the appointment of a Commission of Inquiry such as the Memorialists seek for, as unnecessary for the object they have in view, and likely to prove, if attempted, tedious, expensive, and unsatisfactory, possibly dangerous, and certainly mischievous; as raising, among a credulous and ignorant population, expectations which it could never fulfil; and obstructive to the cause of sound and safe reform, by evoking, and setting in open and clamorous hostility to each other, all kinds of class and professional interests and opinions; and, by postponing to the distant close of a difficult and intricate, and possibly stormy and tumultuous investigation, important measures of improvement, which, when matured, may fairly be expected to remove most of the evils of which there is now reason to complain, and which are known to be either now in actual preparation, or are about soon to be brought forward for consideration.

Fred. Jas. Halliday.

MINUTE by the Right Honourable the Governor-General.

6 October 1856.

I HAVE read the Memorial upon the social condition of the people of Bengal, addressed by the missionaries of the Calcutta Conference to his Honour the Lieutenant-governor of Bengal, with the attention which is due to the importance of the subjects which it treats, and to the excellent and earnest men who are the authors of it. I have also read the minute which the Lieutenant-governor has recorded upon that Memorial, and in which I generally concur.

Memorial of Missionaries on the condition of the population of Bengal.

His Honour has since communicated to the Government of India a petition from the Committee of the British Indian Association, to the same effect as the Memorial.

The Memorialists, after drawing a painful and lamentable picture of the condition of the rural population of Bengal, of the violence, injustice, and oppression to which they are exposed, and of the sullen discontent, and even hatred towards their rulers, which has been engendered in them, express a desire that a commission may be appointed to inquire into the causes of this state of things.

They ask that such commission shall consist of men of independent minds, unbiassed by official or local prejudices.

I cannot adduce, in support of my opinions upon this subject, the experience derived from personal intercourse with the natives, and from frequent opportunities of observation, spread over many years, which has enabled the Lieutenant-governor of Bengal to speak upon it with such high authority; but I can say with perfect sincerity, that, after availing myself to the best of my power of such information and testimony as is within my reach, I am led to the conclusion that the statement of the Memorialists, if it is intended to be a general representation of the prevailing condition of the people of Bengal, is greatly overcharged.

Nevertheless, I am as thoroughly convinced as the Memorialists themselves can be, that the condition of the people of Bengal cries out loudly for amendment, and that this amendment is in a great degree in the hands of the Government; and the same evidence which has given me this conviction has also satisfied me that nothing more is needed in the way of inquiry on the part of the Government of India, in order to set amendment in motion; that, so far as information is concerned, the Government of India possesses enough to guide it surely and safely to the first great measures of reform in the administration of justice and in the police; and that, to incur delay on the ground that further

investigation of the present palpable deficiencies under these heads is requisite, would be to waste time under false pretensions.

The Memorialists will not, I trust, have long to wait for proof that, in regard to those two means of amelioration, the improvement of the police and of the judicial system, the matter is ripe for action.

So also with respect to the law of landlord and tenant in Bengal, a subject upon which the Lieutenant-governor has already a Bill in preparation.

So also with education. The Memorialists would inquire, through a commission, as to the actual extent to which education is provided for the masses. The impulse given to education, and the system presented for its extension to every class, by the despatch of the Honourable Court of Directors, of the 19th of July 1854, cannot be unknown to the Memorialists. The progress made in the two years that have since elapsed may not be such as to satisfy the aspirations of zealous men, eager for the advancement of true knowledge amongst the benighted people whose spiritual and intellectual enlightenment is the object of their daily care and labours. I do not blame their impatience. That they should watch, and urge, the Government of India in the carrying out of the great work of secular education is not only natural, but desirable; but I deny that there is need of Commissions of Inquiry either to ascertain what has been the result of a system a few months old, or to establish that the necessities and deficiencies which called that system forth still have a real existence. The Memorialists may be sure that the Government of India are thoroughly alive to the fact, that all improvements of police or laws must fail of their full effect, if the ignorance and intellectual deficiency of the people should remain unassisted and unabated; and that the duty which this imposes upon the Government, in regard to the vernacular education of the rural population of Bengal, needs not to be demonstrated by a commission.

If, upon the above-mentioned heads, inquiry by a commission would be useless, and, in so far as it would delay action, worse than useless, upon the other subjects named by the Memorialists it would be actively mischievous. These subjects are, the powers and influence of the zemindars, the use made of these, the earnings of the labouring classes, the rent they pay, the exactions and oppressions which they suffer, and, generally, the best means of alleviating their sufferings, and elevating their condition; in short, the social state of the people in all their relations.

There is also the sale of spirits by the Government; but this, as shown by the Lieutenant-governor of Bengal, has been included under some misapprehension. The Memorialists cite the example of the commission appointed by the Government of Madras for inquiring into the practice of torture; but the cases are in no way parallel. In that instance, the Government inquired into the conduct of its own servants, in respect of one single and distinct allegation against them. The question to be solved was one of simple fact, upon which a clear issue might be expected. No class feelings or jealousies were aroused. There was no room for the raising of conflicting theories and opinions to interfere with a positive and definite result; and, therefore, no likelihood that any of the parties concerned would be disappointed.

With such a commission as has been suggested by the Memorialists, the effect would be the very reverse of all this. A wide and vague field of inquiry, inviting discussion and difference upon such subjects as rent, wages, fixity of tenure, and the relations of poor to rich; class made to testify openly against class; the weaker remanded, when their task is done, to the vindictiveness of the stronger, against which no interposition could effectually protect them; wild and extravagant expectations of immediate advantage raised in the minds of a whole people, only to be disappointed; the examination (if the prayer of the British Indian Association be granted) of the share which the Memorialists themselves have had in causing the social evils which they deplore; and the investigation of these delicate and dangerous questions confided to persons whose responsibility would cease with the inquiry.

These would be some of the conditions inseparable from the commission advocated by the missionaries of the Calcutta Conference. With every sincere respect and admiration for the character of the body from which this Memorial proceeds, and gladly acknowledging the value of the co-operation of its members in some of the highest duties of Government, I cannot think that the advice which they have tendered to the Government of India in this instance is well judged,

judged, or that to adopt it would advance the end at which we all aim, the moral and social improvement of the Indian people.

The first and obvious measures towards social reform in Bengal are those which, as I have already said, the Government is preparing to take. I am not so sanguine as to expect that, when taken, they will prove immediate in their results, or that they will command the approval of all parties; but if there should be anything of error in them, it will not arise from any want of information as to the evils which they are designed to cure.

Canning.

MINUTE by the Honourable *J. A. Dorin.*

10 October 1856.

I AGREE entirely in the view taken of this Memorial by the Honourable the Lieutenant-governor of Bengal.

There can be little question of the unsatisfactory condition of the rural population of the districts of Bengal Proper; but whether this state of things arises from defects which the Government can remedy, or is engendered by physical causes over which the Government can exercise no control, may be open to very grave doubt.

In respect to such sources of social disorder as would admit of action being taken on them, I believe the Government are in possession of sufficient information to enable them to proceed with reasonable promptitude and decision: upon other heads of inquiry suggested by the reverend missionaries, no information, however extensive, would justify the Government in taking any action whatever.

Nothing, in fact, has surprised me more than to find this demand for a Commission of Inquiry into the condition of the rural population of Bengal, supported by parties whose interests appear to be so diametrically opposed to each other as the Calcutta Missionary Body and the British Indian Association. The Missionary Body, I presume, advocate the wrongs of the poor against the rich. The British Indian Association, on the other hand, comprise the richer classes and landed proprietors, as contradistinguished from the bulk of the poorer population! The former body expatiate on the "poverty and wretchedness produced chiefly by the present system of landed tenures and the extortions of the zemindars," and point to the evils of the "present working of the zemindaree system," while the latter desire to be informed, "whether the social evils of these provinces are to any and what extent caused by the well-intentioned efforts and zeal of professional Christian missionaries;" thus arraying class interests in antagonism to each other, which could be of no possible advantage to any section of the community, and would probably end in proving that both parties are in opposition to some third interest, as obnoxious to both their opinions.

But to what useful result could this tend, or what could it teach the Government in advancement of those projects which they are already anxious to carry out towards the improvement of a very disordered state of social existence? The jarring of class interests will assuredly not assist the progress of social organisation, nor am I altogether sanguine that the amendment of the law, or the improvement of the police, or the still more potent engine of the spread of education, will very materially eradicate the evils of which the Memorialists complained.

I believe those evils to arise in a great degree from the physical structure of the people, and that nature and climate have at least as much to do with them as any defect in the civil administration of the country.

The civil and criminal law is essentially the same in the North-western Provinces as in Bengal, and the state of the police is little better in the Upper Provinces than in the Lower; so that, if the faultiness of the law, or of the police, were the cause of the social evils experienced by one portion of the population, they might be regarded as producing similar results on the other. No one avers that this is the case, or that the condition of the peasantry of the North-western Provinces is so debased as that of Bengal.

And, for one reason, why? because they are men. They are a fine manly race replete with physical courage, who will not submit to be pillaged by every pri-

Memorial of the Calcutta Missionary Body on the condition of the population of Bengal.

vileged, or unprivileged, plunderer ; men who will stand up for their own rights, and defend their property as soon as they have acquired it. But will a Bengallee do this ? Will he lift a finger in defence of either life or property, or is there a particle of physical or moral courage in his composition ? I cannot say that I have ever heard of it.

I believe there is not a more timid human being than a Bengallee, on the face of the earth, and we have had only too palpable proof of it on recent occasions. During the unfortunate Sonthal disturbances of last year, it was utterly impossible to persuade a Bengallee villager to make the slightest stand in defence of his life or his property ; the mere distant sound of a Sonthal drum was enough to put a whole community to instant flight ; and between men, women, and children, there was only this distinction ; that, whereas the men could run the fastest, they were only too glad to make their own escape, and leave their homes to be burnt, and their women and children to be slaughtered, with impunity. The Bengallee police were as bad as the villagers, and yet the Sonthals themselves were little better than unarmed savages, utterly unable to withstand any real opposition ; who rose, not so much in rebellion against the Government, as in retaliation for supposed wrongs inflicted on them by the extortion of Bengallee mahajuns and money lenders, and who were scattered to the winds the moment a military force was able to act against them.

What can be done for such people as these, who will do nothing for themselves ? What Government interference can supply that foundation of moral improvement, that self-reliance, which nature itself seems to have denied ? It is almost a law of nature that cowards should be either slaves or tyrants, and I fear this describes but too truly the general condition of the population of this fertile province. It may be that the zemindaree system has failed in practice ; yet it was not necessarily a bad system, nor was it founded on unstatesmanlike principles. Its object was to create a substantial intermediate interest in the community, a landed aristocracy, from which the genial flow of social influences might reasonably have been expected ; and, if it has failed in producing this effect, the fault is more with the unsuitable materials on which it operated than in the principle of the measure itself. English and Bengallee nature are not alike, and it has not followed that the theory of a system which might be abundantly adapted to the constitution of England was equally applicable to the atmosphere of Bengal. The Memorialists should not blame the system so much as the people ; and, in like manner, where they descant, as they do most justly, on the iniquities of the police, they should remember that the police of England is not perfect, and that if the police are expected to protect the people, it is at least equally required that the people shall help the police ; and, what is more to the purpose, that the people shall, to a very great extent, have reasonable reliance on themselves.

The crime of dacoity is frightfully prevalent, yet is it possible to suppose it could be so extensive if the people could be persuaded to do anything in their own defence ? Dacoits are as little disposed to face danger needlessly as any other class of the community, and vigorous resistance would soon extirpate the system ; but where is this found ? The very timidity of the people is an inducement to the crime, and yet it cannot be expected that there should be a policeman in every man's house ? The extortion of the police is notorious ; yet, if men will submit to extortion in silence, how is the remedy to be provided ? The omrah of the courts of law are accused of being corrupt ; yet, if suitors will favour the corruption, how is justice to be pure ? No doubt the police is capable of vast improvement, and a Sikh police has recently been organised for the Sonthal pergunnahs, in despair of finding a Bengallee policeman who was fit to be trusted ; yet, unless the people are prepared to make some exertion for themselves, I do not see how a well-ordered police, or an amended code and administration of the law, can effect very much in diminution of social evils.

The Honourable the Lieutenant-governor of Bengal hopes to be able to introduce a more equitable law on the subject of landlord and tenant, and it is quite possible that some existing evils may be eradicated by an amendment of the law on this head ; but there are many conditions in these relative positions which the law cannot correct, and which, so far as I know, are incurable by any action of the Government. Nothing that the Government is likely to be able to do can check that tendency to over-population which creates a greater demand for land than there is land to supply, and which consequently has the effect of raising rents

rents to a rate that will barely yield the tenant a decent subsistence. In the North-western Provinces the evil is in a great degree mitigated by the Government extracting some 200,000 of the population for its army, and by the great demand for stalwart men for service, public or private, all over the continent of Hindostan; but in Bengal, who will take a Bengallee for a soldier or a watchman? He will not even make a tolerable emigrant, and I am informed that, amongst the whole of the emigrant coolies from the port of Calcutta, not ten per cent. are from Bengal Proper. The bulk of the emigrants are men from Behar and the North-west, men of bone and muscle, who will at least think and act for themselves, and do good service in whatever part of the world they may be employed.

I do not say all this in order to argue that any amelioration of the social evils which beset the population of Bengal is impossible, but to show that, in my opinion, there are natural and physical difficulties in the way of improvement, the remedy also of which is beyond the reach of any Government, or of any inquiry that could be pushed to the fullest extent desired by the most enthusiastic philanthropist.

That education will gradually effect sensible changes in the moral and physical disposition of the people there is much reason to hope, and that meanwhile the Government will do what they can to improve the civil condition of their subjects, there is every assurance that goodwill and good faith can supply; but still no surprise need be felt if the results of these most earnest endeavours should not fulfil expectations which are more plausible in theory than, I fear, likely for a long series of years to be realised in practice.

J. A. Dorin.

MINUTE by the Honourable *J. P. Grant.*

22 October 1856.

1. I UNDERSTAND the only practical question at present before us, as raised by these Memorials, to be this: should a commission be appointed in Bengal to inquire into the matters proposed by the Memorialists to be inquired into, or any of them? On this question, after giving these papers all the respectful attention which is due to them, I concur with the Lieutenant-governor of Bengal, the Governor-general, and Mr. Dorin.

Memorial of the
Bengal Mission-
aries, and of the
British Indian
Association.

2. There is much in the Memorial of the Missionaries, in which, I believe, we all fully agree; and there is much, as has been observed, which is overcharged. But nowhere do I find any very distinct reason advanced for the practical measure proposed, namely, the appointment of a Commission of Inquiry. In regard to what we are all agreed upon, no Commission of Inquiry can be necessary, for there is nothing to inquire about. In regard to what is believed to be overcharged, there is still no need of inquiry; for, how-muchsoever an existing evil may be exaggerated, no one denies that so far as it really exists, whatever can be done by a Government to remedy it, ought to be done. All that remains in the Memorial of substantially disputable matter, are the assertion that bitter hatred of their rulers is now in course of being engendered in the minds of the Bengal ryots; and the severe and unqualified charges made by the Memorialists, as a class, against the class of zemindars universally.

3. I do not suppose that many besides the Memorialists share in their belief upon the first point; and if the fact were as they believe, such a commission to prove it, as they propose, would be too dangerous an experiment to try.

4. I do not mean to make light of this belief: I could make light of no belief entertained in a quarter entitled to so much respect, on a question of such importance. I am sure that this assertion would not have been thus formally made on what were not thought strong grounds. But there is a great inconsistency, to my understanding, between this assertion and other assertions made with equal confidence in the same Memorial. The alleged feeling is imputed to the extreme and peculiar social evils to which the ryot of Bengal is said to be subject; and all the evils of which the ryot can be conscious are traced by the Memorialists, if I understand them, to extortions, and tyranny, and general misconduct of the zemindars, and to the immediate consequences

of the zemindaree system, inadequately checked as it is by the police and judicial system provided by the rulers. Now our police is, I dare say, not very much better than it was, but there is no reason to imagine that it is worse. The increase in the pay of police darogahs has done undeniable good, to a certain extent. In other respects our judicial system is vastly better than it was; and the improvement has been all in the direction of the ryot, by bringing justice (though still much too far from him) much nearer to him than it was. Of late years magisterial officers have been largely increased in number, and more dispersed over the country than formerly. Moonsiff's courts, the courts of the ryot, as effective courts of civil justice, may be said to be the creation of the last 30 years; and their improvement in quality, year by year, is unquestioned. Of late, then, the checks provided by the rulers have been vastly improved upon the whole, and, so far as the rulers are concerned, in appearance, as well as in reality, there has been in this generation much to soothe, nothing to irritate, and most certainly nothing to engender the bitter hatred attributed to the ryot. The zemindars, therefore, and the zemindaree system, according to the Memorialists, are the cause of all. To them, the Memorialists allege, are due the alleged social evils, which evils are alleged to be now engendering bitter hatred of their rulers in the breasts of the Bengal ryots of the present day. Now this string of allegations would all be consistent enough, if the zemindaree system were a novelty. But how stands the fact? Be that system good or bad, it is no novelty; it is not even a creation of the British Government. We found the system, and the zemindars themselves, in full force. We have left the zemindars but the shadow of the power they then had; in many respects we have left them not even the shadow of it. For such power as is left them, I can think of no personal interest they can have had then in using it well, that they have not in an equal or greater degree now; and certainly they have more to fear in using it ill now than they had then. How is it, then, that if social evils really exist to such an extreme degree as to embitter the ryot's spirit, and if zemindars and the zemindaree system are the immediate causes of those evils, this bitterness is only now beginning to be engendered, a generation or two after the assumed enemy has been, to say the least, partially bound down? Why did it not begin to arise in the ryot's breast, whilst the zemindar, with no better disposition and many fewer responsibilities, had 20 times his present power for evil?

5. As, in my judgment, all these suppositions, namely, the extreme degree of the evils, their cause and their effect, cannot be true, and one is no more credible than the other, I can see no reason for adopting any. To me they have all much more the appearance of having been entertained as consequences of different theories, than as the results of wary and unprejudiced observation.

6. As to the charges made by the Memorialists against the zemindars as a class, I cannot ascertain what the Memorialists themselves would propose to be done, if the result of an inquiry were to be in accordance with their own views. A Commission of Inquiry could do no practical good, and it could not help doing much real mischief. Every man, to whatever class he belongs, and whatever may be the general character of his class, if he commits acts of extortion or cruelty, should be punished. The law is already adequate for the punishment of such offences, and it will not be less so shortly when the penal code is passed. Whatever can be done in the way of procedure to facilitate the working of the law ought to be done, and will be done forthwith. No Commission of Inquiry would assist such improvements, whilst a Commission of Inquiry that should array class against class, that should fill many of the most influential minds in the country with anger and revenge, and that should set all political elements in heated antagonism with each other, would be an inauspicious commencement of our reforms.

7. If it had not been that the British Indian Association have told us expressly that they had themselves arrived independently at the determination to ask for a similar inquiry, I should have thought their Memorial intended as an indirect answer to their accusers, by way of showing that the zemindars, as a class, do not fear inquiry; but that inquiry cannot be one-sided, and that if one great class is to be dissected, all rival interests and classes (the accusing class included) must be prepared for the same sacrifice. They assign
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as one and in itself a sufficient reason for their recommendation, that the inquiry may "determine the anxious and never-ending controversies and recriminations between the different classes whose position or property (or both united) may enable them to influence the fate of the rural population." With me, one, and as I think in itself a sufficient reason, for not acceding to the proposed measure, is that I am convinced that it would have exactly the contrary effect.

8. The Memorial of the Missionaries, transcribing and adopting a previous petition to Parliament, mentions the following as evils existing in Bengal, "which it falls properly within the scope of Government to meet and control," and which they say "appear to be on the increase":—

- (1.) Insecurity of life and property in many districts.
- (2.) Numerous gang robberies perpetrated annually with impunity.
- (3.) Constant scenes of violence, in contentions respecting disputed boundaries between the owners of landed estates.

The Memorialists maintain that the radical cause of these evils is the inefficiency of the police and of the judicial system; that a well-organised police, with a more extensive and more effective judicial system (besides giving the required security to life and property), would do much to check the outrages that arise out of disputes about land; and, moreover, that in order to a cure of this last evil, the cause which leads to disputes about land, namely, the insecurity of title and possession, must be removed by, first, the complete survey of the land; secondly, a system of registration; and thirdly, "laws to obviate the infinite mischief of the universal system of secret trusts."

9. Upon this important head, I beg to record my complete concurrence with the Memorialists, both as to the existence and extent of the evils, and the nature of the remedies.

10. For many years past I have never lost an opportunity of pressing upon the highest authorities the injustice with which Bengal is treated in regard to the expenditure allowed to her for police. This is no question of system; it is purely a money question. Without a very large additional expenditure nothing can be done; with twelve or fifteen lacs a year to give, the money could hardly be misspent. We have reason to believe that the days of this crying evil are numbered. The next great defect of the judicial system is the want of local criminal courts, so scattered as to be accessible to the people. I believe this evil is easily remedied at slight cost. I sketched, a considerable time ago, a scheme for the purpose, in a minute now before the Council. In regard to civil justice, the existing system is very much less objectionable; and it will be improved doubtless by the changes of procedure now under discussion. I have been too often disappointed in India by seeing great and unquestionable improvements within our grasp postponed indefinitely in the search of some model of imaginary perfection, to feel over-sanguine about any Indian reform. But it does look now, thanks to what has been done at home, as if public expectation would not be much longer disappointed, so far as the reform of the Bengal police and district judicial system is concerned.

11. The questions of survey and registration, in which last the question of trusts is involved, are not in so promising a condition; yet the difficulties ought not to be insurmountable, being, as I believe, purely official. If the superior revenue functionaries in Bengal could be induced to consent to learn anything from the North-west, the thing could be done with money.

12. To the above expression of general concurrence with the Memorialists, I have to make any exception only as to the assertion that the evils noticed are increasing. I cannot think that the Memorialists intend to say that life and property are less secure, and that dacoitees are more numerous and more atrocious in character, than was the case before our rule, or 100, or 50, or 20 years ago. Such an opinion could be refuted to demonstration; but I think it very probable that contentions and offences respecting landed property are increasing, and these may have been chiefly in the minds of the Memorialists. The explanation, however, if the fact be so, is easy. The value of landed property is increasing rapidly, and it is therefore becoming daily more worth fighting for.

There are no such contentions and affrays about land at Madras, as are justly complained of by the Memorialists here. But this is not due to a good police and judicial administration, a survey and registration, or the absence of a zemindaree system in the greater part of that Presidency; it is due to the fact, that, in most Madras districts, land is valueless, by reason of the revenue system there in force, the contentions there being when a ryot is forced, not to give up, but to take land. What has happened in Bengal is this: that, by the perpetual limitation of the tribute, by a substantive law which is theoretically just to all connected with the soil, and by the general maintenance of a system of justice and order not intolerably defective, a new subject of property has come into existence, which already infinitely exceeds in value all the other property of the country put together; while no local or other arrangements have been made for the security of that property, such as its peculiar nature requires.

13. This is the extent of the neglect of the several Bengal administrations, from the time of Lord Cornwallis downwards. I do not excuse it. I am, and I have long been, as earnest as the Memorialists for its correction. But, surely, it is not a full and fair view of the social state of the agricultural people of Bengal, which would dwell upon the evils caused by the want of special arrangements for the security of their property in the soil; without noticing the fact that this property itself was the gift of the system impugned, and has grown up in spite of all the defects imputed to it.

J. P. Grant.

MINUTE by the Honourable *B. Peacock.*

26 October 1856,

I CANNOT beneficially add anything to the several minutes which have been recorded. I entirely agree in the opinions which have been expressed that a commission for the purpose specified in the Memorial is not necessary, and that such a commission ought not to be issued.

B. Peacock.

No. 1647.

From *C. Beadon*, Esq., Secretary to the Government of *India*, to *W. Grey*, Esq., Secretary to the Government of *Bengal*.

Home Department. Sir, Council Chamber, 11 November 1856.

I AM directed by the Governor-general in Council to acknowledge the receipt of your letter, No. 1336, dated the 19th September, forwarding a Memorial from certain reverend Christian Missionaries residing in and near Calcutta, in which it is prayed that the Government will issue a Commission to inquire into the condition of the people of India, and the means of improving it.

2. With this Memorial you have also submitted a minute by the Lieutenant-governor, in which his Honour has recorded his reasons for declining to support the proposal.

3. Your subsequent letter, No. 1368, dated the 27th September, forwards a petition from the Committee of the British Indian Association, requesting that the prayer of the Memorial of the Missionaries may be acceded to.

4. The Governor-general in Council has read and deliberated upon these documents, with the care and attention due to the importance of the subjects they treat of, and to the excellent and earnest men by whom the Memorial has been presented; and he has arrived at the conclusion that the course recommended by the Memorialists, while likely to give rise to very serious evils, would fail to secure, or forward in any degree, the end at which the Government, no less than the Memorialists, aim, namely, the moral and social improvement of the people.

5. I am

5. I am directed, therefore, to request that, with the permission of the Lieutenant-governor, you will inform the reverend Missionaries and the Committee of the British Indian Association that his Lordship in Council, concurring in the views recorded in his Honour's minute, cannot consent to the appointment of a Commission for the purposes indicated in the Memorial.

6. The subject will be reported for the information of the home authorities by the next mail.

I have, &c.

C. Beadon,

Secretary to the Government of India.

JUDICIAL DEPARTMENT.—No. 20, of 1857.

To Our Governor-General of *India* in Council, London, 11 March 1857.

Para. 1. CERTAIN Missionaries belonging to various religious societies, and residing in and near Calcutta, presented a Memorial to the Lieutenant-governor of Bengal, in the month of September last, in which they set forth, in strong terms, the deplorable condition, in its social aspect, of the rural population of Bengal. In their specification of the evils which press most heavily upon the people, the Missionaries advert to the inefficiency of the police and of the judicial system now in operation in the Bengal Presidency; to the prevalence of gang robberies, and affrays respecting disputed boundaries; to the frequency of torture, in order to extort confessions; to the demoralising influences of contentions between landed proprietors, and of the corruption of the police, as tending to pauperise and enslave the peasantry; to the existing zemindaree system (in connexion with the general character both of zemindar and ryot), which "emboldens the rich to set the law at defiance, and leads the poor to despair of obtaining redress;" to the extortions of the zemindars; to the want of a survey of the country; and to the absence of a Registration Act to settle titles; and of laws against secret trusts.

Public Letter, dated 14 November
(No. 132), 1856.

Memorial of certain Christian Missionaries, praying for a Commission of Inquiry into the social condition of the rural population of Bengal.

2. The above is a brief summary of the social evils which the Memorialists allege, not only to be in active operation, but which they "regret to declare, appear to be on the increase." They feel themselves "bound to declare that they view with alarm, as well as sorrow, the continuance of the evils which they have so long deplored, and the effects of which are seen in the demoralisation and the sufferings of the people: they believe that measures of relief can with safety be delayed no longer, as, from the information they have acquired, they fear that the discontent of the rural population is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds;" and they close their Memorial with the prayer that a Commission may be appointed, consisting of "men of independent minds, unbiassed by official or local prejudices, to institute a searching inquiry into all the causes that now affect the condition of the population; especially into the state of the police and the judicial system, the powers and influence of the zemindars and planters, and how those powers are used; the resources and earnings of the labouring classes, and the proportion which these bear to the rent they are compelled to pay; the harassing exactions and oppressions to which the poor are subject; the landed tenures; the extension of the Government sales of ardent spirits and intoxicating drugs among a people once celebrated for temperance; the actual extent to which education is provided for the masses; and the best means of alleviating the sufferings and elevating the condition of the people."

3. The Memorial of the Missionaries was followed by a petition from the Committee of the British Indian Association, which represents the interests of the landed proprietors of the Lower Provinces of Bengal, supporting the prayer of the Memorialists, "for a searching, patient, and unbiassed inquiry into

the social evils of these provinces; viz., whether they be to any, and what, extent caused by the landed system, the planting interest, the Mahajunee dealings, the Foujdary and Dewanny administration; also, whether to any and what extent by the well intended efforts and zeal of professional Christian Missionaries."

4. In forwarding the Memorial of the Missionaries to the Supreme Government, the Lieutenant-governor of Bengal stated his inability, for the reasons set forth at length in his minute of the 18th September 1856, to support its prayer with any favourable recommendation; and, in this opinion of the Lieutenant-governor, the Governor-general, and the other Members of Council then in Calcutta, have, on the grounds stated in their respective minutes, unanimously expressed their concurrence.

5. The statements and arguments contained in the several minutes to which we have referred, appear to us to dispose satisfactorily of all the allegations and conclusions of the Memorial, in regard to the necessity, or expediency, of appointing such a Commission as that to which the Memorialists point. Without denying that great social evils exist, the minutes show that Government is in possession of full information in regard to them; that measures are under consideration, or in actual progress, for applying remedies to such of them as are remediable by the direct executive, or legislative, action of the Government; while it is shown that the cure of others must of necessity be left to the more tardy progress of national advancement in the scale of civilisation and social improvement. Nothing, indeed, is more striking in the memorial of the excellent men who have applied for the Commission of Inquiry, than the manner in which it leaves altogether unnoticed the measures and exertions of the Government for the alleviation of the evils to which they so pointedly refer.

6. Measures for the reform of the police are now under the consideration of the Government; codes of procedure, to simplify and facilitate the administration of justice, both civil and criminal, are before the Legislative Council; measures specially directed to the suppression of gang robbery have, for some time, been in active operation in those districts of Bengal in which that crime has most extensively prevailed. Of the endeavours of the Government, and its officers, in this direction the Memorialists can scarcely be altogether ignorant. Immediately in connexion with the statement, that the evils to which they advert appear to be on the increase, they allege, "that gang robberies of the most daring character are perpetrated annually, in great numbers, with impunity." The contrary of this is the fact; for, instead of increasing, the number of gang robberies had decreased, in the districts referred to, from 439 in 1851, to 168 in 1854 (the reports for which year are the last we have received in detail), and the decrease was still progressing: the most formidable gang of dacoits had been broken up, and upwards of 200 of their members had been convicted, of whom 180 had been transported for life. The subject of torture by the police, in order to extort confessions, has received the anxious attention of the Government and of the Home Authorities; and the propriety of depriving the police of the power of receiving the confessions of suspected or accused persons is now under your consideration. A Bill for the suppression of affrays and contentions respecting disputed boundaries was before the Legislative Council three years ago, and did not pass into law only because of the difficulties with which the subject was found to be encompassed. It was, however, with reference to this, and to other important points, that, in the year 1854, we addressed to you the remarks noted in the margin * in connexion with

* "The survey being both Mouzalwar and Meehalwar, it appears to us that the determination of boundaries of villages and estates by an inquiry on the spot, and their delineation on the survey maps, must tend greatly to put a stop to those frequent disputes which have often led to serious affrays, attended occasionally with loss of life, as well as to the litigation in the civil courts, to which the want of trustworthy records so often gave rise. Under any circumstances, the existence of these records must greatly facilitate the labours of the judicial authorities before whom boundary questions may be brought for adjudication. The survey will doubtless be found of considerable advantage in the revenue administration of the country; but we attach greater importance to the results which we anticipate from it in the decrease of crime, in the diminution of litigation, in the security of the titles to estates, and in the increased value which it will thereby give to landed property of all descriptions." Despatch, 20th April (No. 12) 1854.

with the survey of the country, the want of which is spoken of by the Memorialists as of a thing which had no existence, but which, at the date of the last report on the subject, had cost the State upwards of 20 lakhs of rupees. The existing relations between landlord and tenant have repeatedly been under the consideration of the Government, and a project of law on the subject is shortly to be laid before the Legislative Council. The registration of titles has been encouraged by a law (Act. XIX. of 1843) which gives a legal preference to registered against unregistered documents; and the Government has only abstained from enforcing such a registration of all transfers and successions in respect of real property as shall give additional security to titles, and put a check to secret trusts, by difficulties which beset the subject, and with which it is not surprising that the Memorialists are not fully acquainted.

7. It needs no commission of inquiry to inform us that the peasantry of Bengal are subjected, by their landlords, to arbitrary and illegal demands, on religious and other occasions, beyond, and independent of, the sums which they pay as rent. The demand and payment are made in a way which does not admit of the interference of the police; but the courts of justice would deal with all such levies of money as extortionate exactions. To the courts, however, the people do not appeal for protection in such cases. They submit to the demands, either because they consider them as having the sanction of prescription, or because, as shown by Mr. Dorin, they are too timid to resist payment. The Memorialists seem not to be aware of the difficulty of forcing protection upon a people beyond the point at which they are prepared to accept it, and to lend their own aid in securing it.

8. The remarks which we have already made upon the catalogue of social evils enumerated by the Memorialists will apply, with one or two exceptions, to the several tangible points of inquiry to which they desire that the attention of the proposed Commission should be directed. The reference to the Government sales of ardent spirits and intoxicating drugs is founded on mistake as to facts; and the only point which remains to be noticed is "the actual extent to which education is provided for the masses."

9. This is not a subject which, at the present moment, demands inquiry at the hands of a special commission. The whole subject has been recently considered in all its bearings. The existing deficiencies have been unreservedly acknowledged; the importance, and the duty, of giving a sound education to the people committed to our charge fully recognised; the principles on which we desire to see that education conducted distinctly enunciated; the machinery for giving effect to it clearly indicated; and measures have recently been organised for carrying out the instructions of our despatch of the 19th July (No. 49) 1854, by means of grants in aid, of which it is open to the Memorialists, as well as to all others who will take their part, conformably with the rules prescribed, in the education of the people, to avail themselves.

10. We observe with great satisfaction that the Lieutenant-governor expresses his "absolute dissent from the statement made, doubtless in perfect good faith, that the people exhibit a spirit of sullen discontent, on account of the miseries ascribed to them; and that there exists among them that bitter hatred to the Government which has filled the Memorialists, as they declare, with alarm as well as sorrow." Much, as already shown, has been done to remedy the evils to which the Memorialists advert, and to inspire confidence in the Government. "Much," as observed by Mr. Grant, "to soothe, nothing to irritate, and most certainly nothing to engender the bitter hatred attributed to the ryot."

11. In the remarks made by the Lieutenant-governor, and by the members of the Supreme Government, with respect to the certain effects of the appointment of such a Commission as that prayed for, in setting class against class, and arraying different interests in antagonism to each other, we fully agree. Indeed, the indications which mark the preliminary steps point, with sufficient clearness, to the effects of such a measure. The Memorialists avowedly "bear their testimony, on behalf of the people," as against the landed proprietors and indigo planters; on the other hand, the petition of the British Indian Association is manifestly an acceptance, by the landed proprietors, of the challenge which they

consider to be involved in the Memorial of the Missionaries. The Memorialists, moreover, evidently anticipate that the appointment of a Commission will encourage the tenants to give evidence against their landlords; but the means by which, after the Commission has closed its inquiries, the former are to be protected against the vengeance of the latter, appear not to have engaged their attention.

12. Considering, for the reasons above stated, that such an inquiry as that prayed for is wholly unnecessary; and, adverting to the injurious results to which it is likely to lead; to the check it must impose upon the progress of remedial measures; and to the difficulty of selecting for the duty persons possessing the requisite knowledge of the existing system of administration, and of the character, language, and institutions of the country, whose impartiality would not be impugned by one or other of the classes of which the community is composed, it only remains for us to express our approval of your reply to the prayer of the Memorialists.

We are, your affectionate Friends,

W. H. Sykes.
Ross D. Mangles.
C. Mills.
R. Ellice.
J. W. Hogg.
M. T. Smith.
E. Macnaghten.
J. P. Willoughby.
H. T. Prinsep.
J. Oliphant.
F. Currie.
John Shepherd.
W. B. Bayley.
R. J. H. Vivian.

EAST INDIA.

(BENGAL.—MEMORIAL OF MISSIONARIES.)

A COPY of the MINUTE recorded by the Lieutenant-governor of *Bengal*; of the MINUTES recorded by the several Members of Council of the Supreme Government of *India*; of the LETTER written by the Secretary to the Government of *India* to the Secretary to the Government of *Bengal*; and of the LETTER from the Court of Directors of the East India Company to the Governor-general of *India* in Council, respecting the MEMORIAL of certain MISSIONARIES residing in or near *Calcutta*, dated 2 September 1836.

(*Mr. Seymour.*)

*Ordered, by The House of Commons, to be Printed,
19 May 1857.*

43—Sess. 2.

Under 3 oz.

EAST INDIA (MISSIONARIES).—EAST INDIA (IDOLATRY).

RETURN to an Order of the Honourable The House of Commons,
dated 11 December 1857 ;—for,

COPIES “ of DESPATCH from the Court of Directors to the Governor-General in Council, sent in the Months of April or May 1847, or thereabouts, directing the Issue of Orders to all Public Officers, forbidding the Support or Countenance on their part of MISSIONARY EFFORTS :”

“ Of the DESPATCH from the Government of India, or other Communication, with all Papers referred to therein, in reply to such Despatch, and objecting to the Promulgation of these Orders, and for the further Reply from the Court :”

“ COPIES or EXTRACTS of COMMUNICATIONS in relation to the Connexion of the Government of British India with IDOLATRY and MAHOMEDANISM, (in continuation of Parliamentary Paper, No. 276, of Session 1851).”

East India House, }
9 February 1858. }

JAMES C. MELVILL.

Note.—Some further Papers on the subject of the connexion of the Government of British India with Idolatry and Mahomedanism are now under consideration, and will be forwarded shortly.

(*Mr. Kinnaird.*)

Ordered, by The House of Commons, to be Printed,
12 February 1858.

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DESPATCH from the Court of Directors to the Governor-General in Council, sent in the Months of April or May 1847, or thereabouts, directing the Issue of Orders to all Public Officers, forbidding the Support or Countenance on their part of MISSIONARY EFFORTS; also, DESPATCH from the Government of India, or other Communication, with all Papers referred to therein, in reply to such Despatch, and objecting to the Promulgation of these Orders, and for the further Reply from the Court; and COPIES or EXTRACTS of COMMUNICATIONS in relation to the Connexion of the Government of British India with IDOLATRY and MAHOMEDANISM.

Judicial Department, 21 April (No. 3) 1847.

Our Governor-General of India in Council.

- Para. 1. You are aware that we have uniformly maintained the principle of abstaining from all interference with the religion of the natives of India. Non-interference of the servants of Government with the religion of the natives.
2. It is obviously essential to the due observance of that principle, that it should be acted upon by our servants, civil and military. The Government is known throughout India by its officers, with whom it is identified in the eyes of the native inhabitants, and our servants should therefore be aware that, while invested with public authority, their acts cannot be regarded as those of private individuals.
3. We are, however, led by circumstances of recent occurrence to conclude that a different view of this subject is taken in India, and we therefore deem it necessary to call your immediate and particular attention to the absolute necessity of maintaining this most important principle in its fullest extent.

We are, &c.
(signed) *H. St. G. Tucker.*
J. L. Lushington.
&c. &c. &c.

London, 21 April 1847.

Home Department, Judicial.—No. 12 of 1847.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

ON the receipt of your Honourable Court's despatch in this department, dated the 21st April, No. 3 of 1847, we communicated with the Right Honourable the Governor-General, with the view of ascertaining his Lordship's sentiments on the precise meaning of your Honourable Court's instructions, and in respect to the measures which it would be most conformable to those instructions to adopt. A copy of the correspondence with his Lordship, together with our Minutes, recorded as per margin,* are forwarded herewith; and we beg to draw your Honourable Court's attention to them.

2. We are agreed in opinion that it is not expedient to publish any general order prohibiting the interference of public officers in religious matters; but pending the receipt of more detailed instructions from your Honourable Court, we have, in communication with the Governor-General, issued instructions to the subordinate Governments, leaving it to their discretion and judgment to communicate your orders to such high and confidential members of the service as

* Minute by the Honourable Sir Herbert Maddock, knight, dated 12th June 1847. Minute by the Honourable F. Millett, dated 18th June. Minute by the Honourable Sir F. Currie, dated 19th June. Minute by the Right hon. the Governor-General, dated 13th July. Minute by the Honourable Sir Herbert Maddock, knight, concurred in by the Honourable Sir F. Currie and Mr. Millett, dated 31st July.

CORRESPONDENCE RELATING TO

as may be able by their own influence to prevent any contravention of the principle laid down by you, or by their reports may enable the Government to interfere by admonition in cases which may call for such interference.

Fort William,
7 September 1847.

We have, &c.
(signed) *T. H. Maddock.*
F. Millett.
F. Currie.

(No. 15.)

Home Department, Simla, 2 September 1847.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to your Honourable Court's despatch, No. 3, dated the 21st April last, prohibiting all interference on the part of the servants of Government in the religion of the natives of India, I have now the honour of submitting for your information the accompanying copies of Minutes which have passed on the subject, and the instructions issued by me to the Lieutenant-Governor, North-Western Provinces; also the correspondence with his Excellency the Commander-in-Chief, as to the mode by which your Honourable Court's orders are to be carried into execution.

Simla, 2 September 1847.

I have, &c.
(signed) *Hardinge.*

(No. 543.)

From the Under Secretary to the Government of India to *H. M. Elliot*, Esq.,
Secretary to the Government of India with the Governor-General.

Sir,

Home Department,
Judicial.

I AM directed to transmit for submission to the Right Honourable the Governor-General the accompanying copies of Minutes as per margin,* which have been recorded by the President and Members of Council with reference to the Honourable Court's despatch in this department, dated the 21st April, No. 3 of 1847, and to solicit a communication of his Lordship's views on the subject of that despatch, and in respect to the measures which it would be most conformable to the Honourable Court's instructions to adopt. I am, at the same time, directed to forward a copy of the Honourable Court's despatch, dated 21st May 1845, addressed to the Government of Fort St. George, and alluded to in the Honourable Mr. Millett's minute, as containing definite instructions in respect to the participation of individual officers of Government in missionary proceedings.

Fort William, 19 June 1847.

I have, &c.
(signed) *P. Melvill,*
Under Secy. to Govt. of India.

MINUTE by the Honourable Sir *Herbert Maddock*, Knight.

Court's letter,
dated 21st April.

WITH reference to this despatch, I would communicate to the Governor-General that we do not propose to adopt any measures on the subject at present, as we shall wait to be informed of his Lordship's views with regard to the publication of the Court's letter, or any other course which his Lordship may deem expedient.

12 June 1847.

(signed) *T. H. Maddock.*

* Minute by the Honourable Sir Herbert Maddock, dated 12th June 1847. Minute by the Honourable Mr. Millett, dated 18th June 1847. Minute by the Honourable Sir Frederick Currie, dated 19th June 1847.

MINUTE by the Honourable *F. Millett*.

I CONCUR with the President, that it will be proper to communicate with the Governor-General before adopting any measures on the subject of this despatch. Court's judicial despatch, No. 3 of 1847, 21st April.

I have myself doubts as to the exact meaning of it; and as we may be referred to by the subordinate Governments for our construction of it, it is important that we should have a correct understanding of the directions intended to be conveyed in it.

In paras. 2. 4, of the Honourable Court's judicial despatch to the Madras Government, No. 11 of 1845, the instructions regarding the participation of individual officers of Government in missionary proceedings are, to my mind, very clear. 21st May.

In para. 19 of their judicial letter to Madras the Court observe, "You are aware of our strong impression that it is the duty of Government, and not less of its officers, to stand aloof from all missionary labours, either as promoting or as opposing them."

The despatch now under consideration is couched in terms so comprehensive that it might apparently be taken to convey a prohibition to the civil and military servants of the Company from taking any part whatever in missionary proceedings.

It must, however, be generally known, that for years past many of the Company's servants have been members of committees of Bible societies and missionary societies in all the Presidencies; and as allusion is made in the 3d para. of the despatch to circumstances of recent occurrence, it would seem that the prohibition was not meant to extend to indirect interference of this nature.

It would perhaps be desirable to refer to the Honourable Court for more specific instructions for our guidance.

I doubt the expediency of publishing the Court's letter in the "Gazette;" it would most probably give rise to discussions in the public prints, which are better avoided.

(signed) *F. Millett*.

18 June 1847.

MINUTE by the Honourable Sir *F. Currie*, Bart.

I THINK we should certainly consult the Governor-General before taking any measure in this matter. Court's judicial despatch, No. 3, 1847, dated 21st April.

The terms of the despatch are most comprehensive. They direct the maintenance of "the principle of abstaining from all interference with the religion of the natives of India, in its fullest extent;" and they declare that "the acts of the servants of the Company while invested with public authority, cannot be regarded as those of private individuals."

In the meaning of the Court we must, I think, refer to former despatches and communications, in which their sentiments have been given in more detail; for they declare that they are not inculcating a new principle, but enjoining the observance of one which they "have uniformly maintained."

We may therefore safely, I think, look to the despatch referred to by Mr. Millett, No. 11 of 1845, dated 21 May, addressed to Fort St. George, in which the mode of applying the principle uniformly maintained by the Court, is very clearly and fully set forth.

The principle as so explained has not, I believe, been violated on this side of India, and if so, any public notice of the present orders of the Court cannot be necessary here. I mean the publication of a prohibitory order, which would doubtless have the effect of disturbing men's minds, and raising controversial discussions.

19 June 1847.

(signed) *F. Currie*.

(True copy).

(signed) *P. Melvill*,

Under Secretary to the Government of India.

MINUTE by the Right Honourable the Governor-General.

Simla, 13 July 1847.

I HAVE read the minutes of the President in Council and the members of Council, communicating their views on the Court's despatch of the 21st April 1847.

2. I had, previously to the receipt of these papers, conferred with the Lieutenant-governor, intending to convey to him a copy of the Court's despatch, apprising his Honor that if any officer under his control should contravene the Court's order, as laid down in that despatch, he would be pleased to use his discretion by admonishing such officer to abstain for the future from any interference whatever, and that this admonition might be conveyed either to the officer direct, or through his superior officer in the district. It was my opinion, and also that of the Lieutenant-governor, that it would be very inconvenient to take any course which would have the effect of agitating the public mind by publishing an order on such a question at this or any other period, and that communications requiring to be made need not involve publicity.

3. I proposed that a similar course should be taken as regarded the Deputy-governor of Bengal, to be communicated through the President in Council.

4. I have read the Court's despatch of 21st May 1845, referred to by Mr. Millett. The application of the principle therein laid down is made in a great measure to depend on the station which any particular officer may fill, the state of the society in which he lives, and above all, whether he can be considered as the representative of the Government generally; but as regards officers in districts, no such latitude is allowed, for the obvious reason that the native population of the district look up to particular officers as the personification of public authority.

5. In the despatch now before me of 21st April 1847, there are no such distinctions laid down. It is stated that the Government is known throughout India by its officers, with whom it is identified in the eyes of the native inhabitants, and that whilst public servants are invested with public authority their acts cannot be regarded as those of private individuals, and that this most important principle is to be maintained in its fullest extent. I therefore read the Court's despatch in the same sense as Mr. Millett does in the 4th and 5th paragraphs of his minute.

6. Under this comprehensive prohibition, the civil and military servants of the Company are enjoined to take no part whatever in missionary proceedings. If, for instance, the latitude of 1845 had been continued in the letter of 1847, and the Lieutenant-governor were to attend missionary proceedings at Agra, and the next day he were required to reprove a district officer for doing the same thing, the apparent inconsistency would be very embarrassing. I am aware that this case would not happen in Mr. Thomason's instance, because he has never attended a missionary meeting since he became Lieutenant-governor; but I notice it to show the difficulty which would attend these distinctions, of allowing a public officer in India, in some cases where religion is concerned, to be considered as a private individual; the line of demarcation is not very easy, as exemplified in Mr. Thomas's case quoted by the Court. Nevertheless, these distinctions have always more or less existed in practice, as stated by Mr. Millett, who very truly observes, "it is well known that for years past many of the Company's servants have been members of committees of Bible societies and missionary societies in all the Presidencies;" and the Court had this fact probably in view when the despatch of the 21st May 1845 was written.

7. The most moderate course, in these questions, will probably be found to be the best; not to strain the Court's order too far, but at the same time firmly to act upon it, when the conduct of any public officer is a decided violation of their orders, and calculated to have a mischievous effect. It appears to me, therefore, advisable that the discretion to carry the Court's order into execution should be confided only to officers of the most experienced judgment at the head of the two Governments of Bengal and the Upper Provinces, who can at any time refer to the Supreme Government for advice, and that the publication
of

of the order ought to be omitted, as there are many modes by which the Court's very just instructions may as effectually be made known.

8. The circumstances of recent occurrence I have no doubt relate to missionary societies having met in mess houses and court houses on the other side of India, and which, if they should occur within this Presidency, would require the Government immediately to put a stop to them by enforcing the Court's prohibition.

9. Until I hear from my colleagues, I shall not address the Lieutenant-governor and the Commander-in-chief to the effect contained in para. 2 of this Minute, in order that we may carry out the Court's orders in a spirit of the most united co-operation.

(signed) *Hardinge.*

(No. 182 A.)

From the Secretary to the Government of India with the Governor-General to the Secretary to Government of India, Home Department, Calcutta.

Sir,

WITH reference to Mr. Under Secretary Melvill's letter, No. 543, dated the 19th ultimo, forwarding copies of minutes recorded by the Honourable the President and Members of Council on the despatch from the Court of Directors, No. 3, dated 21st April, regarding the non-interference of Government servants with the religion of the natives, I am directed to transmit, for the information of his Honor the President in Council, the accompanying copy of a minute recorded by the Right honourable the Governor-General on the subject. Home Department.

Simla,
13 July 1847.

I have, &c.
(signed) *H. M. Elliot,*
Secretary to the Government of India
with the Governor-General.

(No. 650.)

From the Secretary to the Government of India to *H. M. Elliot, Esq.,*
Secretary to the Government of India with the Governor-General.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 13th instant, with copy of a minute recorded by the Right honourable the Governor-General on the subject of the despatch from the Honourable the Court of Directors, No. 3, dated the 21st April, and to transmit, to be laid before his Lordship, the accompanying copy of a minute of this date by the President in Council, in which Mr. Millett and Sir Frederick Currie record their concurrence. Home Department.

Fort William,
31 July 1847.

I have, &c.
(signed) *G. A. Bushby,*
Secretary to the Government of India.

MINUTE by the Honourable Sir *Herbert Maddock*, Knt., dated 31 July 1847.

THE Governor-General's minute on the subject of this despatch has been perused by my colleagues, who agree, I believe, with me in opinion that we cannot more judiciously proceed to carry out the views and orders of the Honourable Court than by communicating copies of the Court's despatch to all the subordinate governments, with an expression of our sentiments that it is not expedient to adopt any further measures for enforcing the orders of the Court, than the communication of them to such high and confidential members of the service as may be able by their own influence to prevent any contravention of the principle laid down by the Court, or by their reports may enable Government to interfere by admonition in cases which may call for their interference. Thus cautioned, the subordinate governments may for the present, without much difficulty, inculcate a general observance of the orders which we

Letter from the
Honourable Court,
dated 21st April
1847.

have received from the home authorities, and their caution in acting in so delicate a matter will be increased, if we inform them that in consequence of doubts which we entertain of the precise extent to which the Court propose to prohibit the interference of their servants in religious matters, we are about to solicit more detailed instructions on the subject, pending the receipt of which we must rely on the judgment and discretion of the local governments so to observe the proceedings of their subordinates as to be enabled to check practices which are a manifest violation of those orders, without giving occasion to public discussion on the subject of them.

If the Governor-General thinks fit, the letter of instructions which his Lordship may address to the Lieutenant-governor of the North-Western Provinces may be issued as a circular to the other governments.

31 July.

(signed) *T. H. Maddock.*

I concur.

(signed) *F. Millett.*

I concur.

(signed) *F. Currie.*

(True copy.)

(signed) *G. A. Bushby,*
Secretary to the Government of India.

(No. 223.)

From *H. M. Elliot*, Esq., Secretary to the Government of India with the Governor-General, to the Secretary to the Government of India.

Sir,

Home Department.

IN acknowledging the receipt of your letter, No. 650, dated 31st ultimo, and its enclosure, regarding the non-interference of public officers in missionary proceedings, I am directed by the Governor-General to transmit, for the information of the President in Council, copy of a letter written this day to the Secretary to Government, North-Western Provinces, on the subject.

2. I am desired further to state that the Governor-General, concurring with the President in Council as to the expediency of the course proposed to be adopted, requests his Honor in Council to make the reference to the Court of Directors.

Simla,
27 August 1847.

I have, &c.
(signed) *H. M. Elliot,*
Secretary to the Government of India
with the Governor-General.

(No. 222 of 1847.)

From the Secretary to the Government of India with the Governor-General to the Secretary to Government, North-Western Provinces; dated Simla, 27 August 1847.

Sir,

I AM directed by the Governor-General to transmit to you, for the information of his Honor the Lieutenant-governor, copy of a despatch from the Honourable the Court of Directors, No. 3, dated the 21st April 1847, regarding the principle of non-interference of the servants of Government with the religion of the natives.

2. The Governor-General, with the concurrence of the President in Council, does not deem it expedient to adopt any further measures for enforcing the orders of the Court, than to recommend his Honor to communicate them to such high and confidential members of the service as may be able by their influence to prevent any contravention of the principle laid down by the Court, or who may by their reports enable the Government to interfere, by admonition, in cases where interference may become necessary.

3. It

3. It is the intention of the Government of India to address the Home authorities, in consequence of some doubts which have arisen as to the precise extent to which the Court propose to prohibit the interference of their servants in religious matters; and in the interval pending the reply to the reference, his Lordship confidently relies on his Honor's judgment and discretion so to observe the proceedings of his subordinate officers as to be enabled to check practices which are a manifest violation of those orders, without giving occasion to any public discussion of them.

I have, &c.
(signed) *H. M. Elliot*,
Secretary to the Government of India
with the Governor-General.

(No. 299.)

From the Right Honourable the Governor-General to his Excellency General the Right Honourable Lord *Gough*, G. C. B., Commander-in-Chief in India.

My Lord,

I HAVE the honour to forward for your Excellency's information copy of a despatch from the Honourable the Court of Directors, No. 3, dated 21st April 1847, prohibiting the interference of the servants of Government in the religion of the natives of India; and also the copy of a letter to his Honor the Lieutenant-governor of the North-Western Provinces, conveying my instructions as to the mode by which the Court's orders are to be carried into execution.

Confidential.

Judicial.

No. 22, dated 27th August.

2. I have to request, if your Lordship has reason to believe that any officer of the army contravenes this order of the Court by interfering in any manner with the religion of the natives of India, that your Lordship will cause the officer to be informed that he is acting in disobedience of the Court's orders; and that, however zealous his motives may be, it is his duty to desist from any interference for the future.

3. It appears to me that it will not be expedient at the present moment to address the general officers commanding divisions on this subject. I believe that the interference alluded to by the Honourable Court is almost unknown in the Bengal army; and as it is desirable so to act in this matter that any violation of the Court's orders shall be checked, and at the same time all public discussion be avoided, I have to request that your Excellency will issue no order upon the subject, but be prepared to notice any infraction of the Court's direction whenever it may occur.

4. If any further instructions should be transmitted by the Court, I shall not fail to inform your Lordship.

Simla,
28 August 1847.

I have &c.
(signed) *Hardinge*.

From the Right Honourable the Commander-in-Chief to the Governor-General of India; Head Quarters, Simla, 30 August 1847.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's confidential letter of the 28th instant, No. 299, forwarding me a copy of a despatch from the Honourable the Court of Directors, No. 3, dated 21 April 1847, prohibiting the interference of the servants of Government in the religion of the natives of India, together with the copy of a letter to his Honor the Lieutenant-governor of the North-West Provinces.

Confidential.

2. I beg leave to apprise your Lordship I have every reason to believe that no officer of this army contravenes this order of the Court of Directors, by interfering with the religion of the natives of India, and that should such interference come to my knowledge I shall not fail to cause such officer to be informed that he is acting in disobedience of the Court's orders, and have it pointed out to him that it will be his duty to desist.

3. From the circumstance already alluded to, namely, that I have every reason to believe such interference is unknown in this army, I entirely concur

with your Lordship, that it is not expedient, at the present moment, to address the general officers commanding the divisions, and that all public discussion upon the subject should be avoided.

I have, &c.
(signed) *Gough*, General,
Commander-in-Chief in India

Home Department, Judicial, 7 September 1847.

To the Secretaries to Government of Bengal and Bombay.

(546. 789).

Sir,

I AM directed by the President in Council to transmit to you for the information of copy of a despatch from the Honourable the Court of Directors, No. 3, dated the 21st April 1847, regarding the principle of non-interference of the servants of Government with the religion of the natives.

2. The President in Council, with the concurrence of the Right honourable the Governor-General, does not deem it expedient to adopt any further measures for enforcing the orders of the Court, than to recommend to communicate them to such high and confidential members of the service, as may be able by their influence to prevent any contravention of the principle laid down by the Court, or who may by their reports enable the Government to interfere by admonition, in cases where interference may become necessary.

3. It is the intention of the Government of India to address the Home authorities, in consequence of some doubts which have arisen as to the precise extent to which the Court propose to prohibit the interference of their servants in religious matters, and in the interval, pending the reply to the reference, the President in Council confidently relies on judgment and discretion, so to observe the proceedings of subordinate officers as to be enabled to check practices which are a manifest violation of those orders, without giving occasion to any public discussion of them.

I have, &c.
(signed) *G. A. Bushby*,
Secretary to the Government of India.

Home Department, Judicial, 7 September 1847

To Secretary to Government, Fort St. George.

(788.)

Sir,

WITH reference to your letter, No. 574, dated the 21st ultimo, inquiring what orders have been passed by the Government of India on the Honourable Court's despatch, No. 3 of 1847, dated 21st April, I am directed to state, that the President in Council, with the concurrence of the Right honourable the Governor-General, does not deem it expedient to adopt any further measures for enforcing the orders of the Court, than to recommend to communicate them to such high and confidential members of the service, as may be able by their influence to prevent any contravention of the principle laid down by the Court, or who may by their reports enable the Government to interfere by admonition, in cases where interference may become necessary.

2. It is the intention of the Government of India to address the Home authorities, in consequence of some doubts which have arisen as to the precise extent to which the Court propose to prohibit the interference of their servants in religious matters, and in the interval, pending the reply to the reference, the President in Council confidently relies on judgment and discretion, so to observe the proceedings of subordinate officers as to be enabled to check practices which are a manifest violation of those orders, without giving occasion to any public discussion of them.

I have, &c.
(signed) *G. A. Bushby*,
Secretary to the Government of India.

Judicial Department, 19 January (No. 2) 1848.

Our Governor-General of India in Council.

Whole Governor-General's Judicial Letter, 2d September (No. 15) 1847.

India, whole Governor-General's Judicial Letter, 7th September (No. 12) 1847.

Para. 1. In your letter in this department, dated 7th September (No. 12) 1847, you report the manner in which you have acted upon the instructions conveyed to you in our letter of the 21st of April (No. 3) 1847, on the subject of abstaining from all interference with the religion of the natives of India; and at the same time you solicit more detailed instructions for your guidance, in consequence of doubts entertained by you with regard to the extent to which we intend that the prohibition of such interference on the part of the officers of Government should be carried. Non-interference
with the religion
of the natives.

2. We entirely approve of your having refrained from publishing our despatch, which might give rise to discussion on a subject on which it is particularly desirable that the public mind should not be excited. You have very judiciously resolved that it shall be communicated only "to such high and confidential members of the service as may be able by their influence to prevent any contravention of the principle" therein laid down.

3. With respect to the extent to which the prohibition of any interference on the part of the officers of Government with the religion of the natives should be carried, you are aware that our object has been not only that the power and authority of Government should never be exerted or manifested for the promotion of missionary objects, but that those officers by whom the Government is represented should practise a similar forbearance. What particular officers may fall under this rule must depend on the situations they fill, and on the impression which their conduct may be liable to produce as the local representatives of the Government. The application of the rule should in every case be governed by the principle on which it is founded. While we are unwilling to prohibit our servants from contributing their private funds towards the promotion of objects which they may feel to be connected with the interests of true religion, we would caution them against any manifestation of a disposition calculated to excite uneasiness and alarm among the people. We think, also, that missionary meetings ought never to be held in official buildings, or to wear the appearance of having any official sanction. We would only add, that we are more disposed to rely on the discretion with which we are assured that our Government and their officers will act under the general instructions conveyed in our despatch of the 21st April last, on this delicate and important subject, than on any detailed instructions which could be furnished for their guidance.

London, 19 January 1848.

We are, &c.
(signed) *H. St. Geo. Tucker.*
J. L. Lushington.
&c. &c. &c.

Home Department, Legislative, No. 19 of 1851.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

YOUR despatch, No. 5 of 1850, dated the 27th February, has been for some time under our consideration, and we now transmit to you the correspondence which has taken place, and the minutes which have been recorded on the question of the withdrawal of the Government donation to the Temple of Jugger-nauth.

2. On the receipt of your Honourable Court's despatch a reference was made to the Government of Bengal for information as to whether, as supposed by your Honourable Court, there had been, since the abolition of the Pilgrim Tax, an increase in the number of pilgrims and in the gains of the Temple ministers.

The reply stated that there were no means of ascertaining with accuracy whether the income of the Temple had increased, but that, judging from the increased resort of the pilgrims, it was reasonable to suppose that it had.

3. On receipt of this information, and after communicating with the Governor-General, we proceeded to read the draft of an Act to repeal Act X. of 1840, and to declare that nothing in section 30, Regulation XII. of 1805, gave any legal claim to the continuance of the donation longer than it pleased the Government to continue it, and it was intended immediately on the enactment of the law to withdraw the annual allowance.

4. Since the publication of the draft, we have received the observations and suggestions of the local authorities, as well as those of the members of the Sudder Court and Sudder Board at Calcutta, and petitions from and on behalf of the Rajah of Khoorda, from certain priests attached to the Temple, and from certain native inhabitants of Orissa. These documents accompany the present despatch, and an abstract of their contents, together with our own opinions on the several suggestions and representations, is contained in our communication to the Governor-General dated the 29th August last.

5. The Governor-General concurs with us in adhering to our former opinion in regard to the propriety of passing the Act with some alterations; but advertising to the controversial discussion which the enactment of the law is likely to excite, to the interest which is taken publicly in this subject in England, and to the inconvenience of subsequent alterations in the Act when once passed, his Lordship recommends that the draft Act should be submitted to your Honourable Court, in order that your Honourable Court may have the opportunity of making any remarks, or suggesting any alterations that you may deem advisable.

6. In accordance with his Lordship's views, we now submit all the papers relating to the case, and solicit your Honourable Court's instructions at your early convenience.

We have, &c.
(signed) *J. H. Littler.*
F. Currie.
J. Lewis.
— *Jackson.*

Fort William,
29 November 1851.

(No. 511).

From *F. J. Halliday*, Esq., Secretary to the Government of India, to
Sir H. M. Elliot, K.C.B., Secretary to the Government of India with the
Governor-General.

Sir,

WITH reference to your letter, No. 124, dated the 15th April last, transmitting copy of a minute recorded by the Most Noble the Governor-General, under date the 11th idem, containing his Lordship's assent to the provisions of the draft "Act to repeal Act X., 1840," I am directed by the President in Council to forward, for submission to the Governor-General, copies of the papers noted in the margin,* containing the observations and suggestions which the promulgation of that draft Act has elicited, together with copies of the minutes † recorded by the members of Government, and a printed copy of the draft Act on which the amendments proposed to be made have been noted.

2. His Lordship will perceive that the opinion first forwarded by the Government of Bengal is that of Mr. Mills, who formerly filled the office of Commissioner of Cuttack, entertaining, as he has all along done, the conviction that it is obligatory on the Government to support the Temple of Juggernaut. Mr. Mills

* From Bengal, No. 720, dated 5th January 1851, and Enclosures. From Bengal, No. 823, dated 27th January 1851, and Enclosure. From Bengal, No. 950, dated 30th July, and Enclosure.

† Minute by Sir F. Currie, Bart., dated 12th August 1851. Minute by the Honourable Mr. Lewis, dated 14th August 1851. Minute by Major-general the Honourable Sir J. H. Littler, dated 18th August 1851. Minute by Sir F. Currie, dated 19th August 1851. Minute by Mr. Lewis, dated 20th August 1851.

Mills is entirely opposed to the principle of the proposed measure ; he considers the entire withdrawal of the support of Government to the Temple as irreconcilable with justice, but suggests two modes by which the present arrangement might be modified so as to make our disseverance from its management more complete than it is at present. He is of opinion that the superintendent's consent to the relinquishment of the so-called donation might readily be obtained were he authorised by law to levy fees in lieu of it (for he explains that there are now "no accustomed fees," but only voluntary offerings received at the Temple). The other course to which he himself gives the preference is that an equitable payment in money, in lieu of the donation, should be made to the superintendent.

3. The majority of the Board of Revenue (Messrs. Gordon and Currie) approve of the proposed law. Mr. Ricketts has given no opinion, as his views, he states, which are adverse to the measure, are already before the Government.

4. Mr. Gouldsbury, the present commissioner of Cuttack, approves of the proposed Act, but suggests a declaratory clause to be added to the preamble, so as to make the provisions of Regulation XIX., 1810, applicable to the Temple and its endowments. That law is now almost imperative, and the President in Council does not consider it expedient to call it distinctly into force in regard to an institution from the affairs of which the Government is about to disconnect itself entirely.

5. The collector of Cuttack (Mr. Forbes) is of opinion that the law should provide for the future management of the Temple, and for the due appropriation of its endowments, and with this view submits an amended draft Act which, as involving unnecessary interference on the part of the local agents, has not the support of the Commissioner.

6. Mr. Gouldsbury submits a petition from the Rajah of Khoordah, praying that the exercise of authority by him in the affairs of the Temple be distinctly provided for in the law, and that to make up for the loss of the donation he may be permitted to collect a tax from pilgrims at the Attarah Nullah Ghaut, at the entrance of the town of Pooree. The Rajah's first request will be met by the addition which is proposed to be made to Section 1 ; the second request is wholly inadmissible.

7. Two of the judges of the Sudder Court (Mr. Dick and Sir R. Barlow) objected to the word "taking" which had been used in Section 4. The alteration which has been made in this section in consequence of Mr. Mills' explanation of the nature of the fees received at the Temple removes this objection also. The other two judges (Messrs. Colvin and Dunbar) have recorded their sentiments on the subject in separate minutes, and the President in Council would draw the attention of the Most Noble the Governor-General to Mr. Colvin's minute as an important document.

8. Mr. Colvin enters somewhat fully into the entire question of the justice of the withdrawal of the Government grant, what remains of which he looks upon not as a donation to the Temple, but a mere equivalent for the resumed revenues which was attached to it. He considers that if it is intended to withhold this payment, it will be necessary specially to exempt what has been resumed from the operation of Sections 8, 30 and 31 of Regulation XII. of 1805 ; that the latter of these sections could not in any court of law be construed otherwise than as binding the Government to pay compensation ; that questions of fact might always arise as to the amount and conditions of the donation ; that it is contrary to all precedent and principle that judges should be required to understand evidence only in a particular way, and that it is not fitting, when such questions of fact may arise, that the Government should settle the contest in its own favour by a declaratory enactment such as is contained in Section 5 of the proposed Act. He earnestly advises, therefore, that this section should be recast, and put into a form directly modifying, but not ignoring the section in Regulation XII. of 1805 above referred to. Mr. Colvin further points out what has been noticed by Mr. Mills, that there are no accustomed or authorised fees demandable from the frequenters of the Temple, and deprecates the legalising of any such demands. He brings to notice that the draft Act rescinds all the laws by which the superintendence of the Temple is vested in the Rajah of

Khoordah, and neither reappoints him, nor provides for the transfer of the office to any other party.

9. Sir F. Currie concurs in thinking with Mr. Colvin that it would be better directly and distinctly to repeal Section 30, Regulation XII. of 1805, but Mr. Lewis does not view the concluding provision of that section as intended to make the continuance in perpetuity of the donation compulsory. Mr. Dunbar of the Sudder Court takes the same view of the question, and the President in Council has not deemed it necessary to make any alteration in the wording of Section 3 of the draft Act, except to remove two words which might have been construed to refer to past constructions of the existing laws on the subject.

10. Mr. Dunbar is also of opinion that the right of the Khoordah family to superintend the affairs of the Temple ought to be distinctly recognised in the Act.

11. It was not intended to remove the superintendence of the Temple from the hereditary Rajahs of Khoordah; and his Lordship will perceive that, at the suggestion of Sir F. Currie, an addition has been made to Section 1 of the draft Act to provide for the interests of the Rajah.

12. In the remaining objections and observations of Mr. Colvin, Mr. Dunbar does not concur. He considers the proposed Act to be equitable in principle, as, in his opinion (and this opinion it will be seen is still more strongly urged by Mr. Lewis in his Minutes dated the 14th instant), whatever was given or continued to the Temple, either as compensation or donation, was given and continued conditionally with reference to the levying of the tax; the obligation therefore for its payment has ceased with the relinquishment of the tax.

13. I am further directed to forward, for the consideration of the Most Noble the Governor-General, the four petitions noted in the margin.* The first, on the part of the Rajah of Khoordah, urges the continuance of the grant; the second recapitulates the requests preferred through the Commissioner of Cuttack, which have been noticed above; the third is from certain priests attached to the Temple, praying that their rights, interests, and privileges may not be interfered with in the proposed law, and does not, in the opinion of the President in Council, call for any notice; the fourth petition purports to be from the inhabitants of Orissa, and contains a strong remonstrance against the disconnexion of the Government with the affairs of the Temple; but if it be determined to pass the draft Act, the petitioners suggest certain provisions to be added to it with the view of making up the deficiency in the income of the Temple from the discontinuance of the Government donation. The President in Council considers the prayer of this petition to be altogether inadmissible.

I have, &c.

(signed) *F. J. Halliday,*

Sec. to the Government of India.

Fort William, 29 August 1851.

Fort William, Home Department, 2 May 1851. (Legislative.)

The following Draft of a proposed Act was read in Council for the first time time on the 2d of May 1851.

Act, No. , of 1851.—An Act to repeal Act X. 1840.

Whereas, notwithstanding the prohibition to exact taxes and fees from pilgrims, by Act X. 1840, fees and offerings are taken of pilgrims resorting to the Temple therein mentioned for behoof of the priests and others belonging to the said Temple, over which no effectual control can be had, or ought to be attempted to be had by Government; it is declared and enacted as follows:

1. Act X. 1840 is repealed, but not so as to revive any Regulation or part of any Regulation thereby repealed, or to affect the right and interests of the Rajah

* From the mookhteur of the Rajah of Khoordah, dated 20th January 1851. 2. From the Rajah of Khoordah, dated the 24th June 1851. 3. From certain priests attached to the Temple of Jaggnath, dated 2d July 1851. 4. From the inhabitants of Orissa, dated 27th June 1851.

Rajah of Khoordah for the time being in the superintendence and management of the affairs of the Temple therein mentioned.

2. No tax, fee, or payment of any kind shall be taken on behalf of the Government from any pilgrim resorting to the said Temple, or other place of pilgrimage.

3. Nothing contained in Section 30, Regulation XII., 1805, of the Bengal Code, or in any other Regulation of Act, shall be construed to bind the Government to make or continue any donation for support of the said Temple.

4. Nothing contained in this Act shall be construed to forbid any person or persons, having the charge or superintendence of, or officiating at the said Temple, from receiving any voluntary fees and offerings.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be reconsidered at the first meeting of the Legislative Council of India after the 2d day of July next.

(signed) *F. J. Halliday*,
Sec. to the Government of India.

(No. 401.)

From the Secretary to the Government of India with the Governor-General to the Secretary to the Government of India, Home Department, Calcutta.

Sir,

IN reply to your letter of the 29th August last, No. 511, I am directed to Home Department. transmit to you, to be laid before the Honourable the President in Council, the accompanying copy of a minute recorded by the Most Noble the Governor-General on the passing of the amended draft Act to repeal Act X. of 1840.

Camp, Mustafabad,
11 November 1851.

I have, &c.
(signed) *H. M. Elliot*,
Secretary to the Government of India
with the Governor-general.

MINUTE by the Most Noble the Governor-General of India.

1. I CONCUR with my honourable colleagues in adhering to our previous intention of passing the Act relating to the Temple of Juggernath, and I am prepared to pass it with the alterations inserted in the amended copy before me.

2. But adverting to the controversial discussion which the passing of this Act is likely to excite on the one side and the other; adverting further to the interest which is taken publicly in this subject in England, and to the inconvenience of subsequent alterations in the Act when once passed, I think that it would be judicious to transmit the present amended draft, with the minutes and various documents connected with it, to the Court of Directors, before it is passed into law, so as to give room for any remarks the Court might wish to make, or for any alterations they might suggest.

3. If the passing of this Act were of any immediate importance, practically, I would not propose this course, but as I am not aware of any such urgency, I take the liberty of recommending its adoption to the Honourable the President in Council.

7 November 1851.

(signed) *Dalhousie*.

(A true copy.)

(signed) *H. M. Elliot*,
Secretary to the Government of India
with the Governor-general.

CORRESPONDENCE RELATING TO

LETTER from the Honourable Court of Directors to the Government of India,
dated 5 May (No. 7) 1852.

Legislative Department, 5 May (No. 7) 1852.

Our Governor-General of India in Council.

Para. 1. WE have received your letter of the 29th November 1851, transmitting correspondence and minutes on the question of the maintenance of the allowance still made from the Government treasury to the Temple of Juggernaut.

2. We continue to be of opinion, which we have before expressed, that it is desirable finally to dis sever the British Government from all connexion with the Temple, and we therefore authorise you to make arrangements for accomplishing this object by the discontinuance of any periodical allowance to it, in lieu of which some final payment may be made in the way of compensation to any parties who may appear, upon a liberal construction of past engagements or understandings, to be entitled to such indemnification.

3. Under this arrangement there may be no necessity for any legislative enactment, which we think it desirable to avoid.

We are, &c.,
(signed) *J. W. Hogg.*
R. Ellice,
&c. &c.

Legislative Department.—4th July (No. 9) 1855.

Our Governor-General of India in Council.

Juggernaut
Pagoda.

*Printed No. 988
of 1833.

11th April 1853
No. 4.

IN our despatch in this department, dated the 5th May 1852 * (No. 7), we authorised you to make arrangements for dis severing the British Government from all connexion with the Temple of Juggernaut; and in replying to that despatch, you informed us that the subject was under consideration. We desire that you will lose no time in reporting to us the proceedings which may have been adopted by you for the purpose in question, and we hope to learn that they have been brought to a satisfactory conclusion.

We are, &c.
(signed) *E. Macnaghten.*
W. H. Sykes.
&c. &c.

London, 4 July 1855.

Home Department.—No. 30, of 1855.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to your Honourable Court's despatch in the Legislative Department, No. 9, of 1855, dated the 4th July, desiring to be informed of the measures taken for dis severing the British Government from all connexion with the Temple of Juggernaut, in pursuance of the instructions contained in your previous despatch, No. 7, dated the 5th May 1852, we have the honour to transmit, for your Honourable Court's information, copies of the papers noted on the margin.†

2. We

† Letter from Rev. D. Ewart, dated 12th August 1852, submitting a Memorial from certain Missionaries and others. Note by Mr. Secretary Grant, dated 19th November 1852. Letter from the Rev. J. Stubbins and the Rev. A. Suttin, dated 5th December 1853. Minute by the Governor-General, dated 8th June 1853. Minute by Mr. Lewis, dated 30th November 1853. Minute by Mr. Dorin, dated 2d December 1853. Minute by Colonel Low, dated 7th December 1853. Minute by Mr. Halliday, dated 15th December 1853. Minute by Mr. Peacock, dated 12th January 1854. Letter by Government of Bengal, No. 73, dated 13th January 1854. Letter by Government of Bengal, No. 432, dated 25th April 1854. Letter from Government of Bengal, No. 345, dated 4th May 1854, and Enclosures. Minute by Mr. Peacock, dated 26th February 1856. Letter from Government of Bengal, No. 1628, dated 27th August 1853, and Enclosures. Letter from Government of Bengal, No. 344, dated 31st January 1856, and Enclosures. Resolution, dated 28th February 1856. Letter to Government of Bengal, No. , dated 28th February 1856. Letters to the Rev. D. Ewart, and the Rev. Messrs. Stubbins and Suttin, dated 28th February 1856.

2. We have directed the Government of Bengal to discontinue, from the 1st May 1856, the annual money payment (23,321 rupees) at present made to the superintendent of the Temple, in compensation of kunjahs and sayer resumed, and to substitute in its stead an endowment in land of the value of 16,517 rupees per annum, the difference (6,804 rupees per annum) between that amount and the said sum of 23,321 rupees being appropriate to the maintenance of an efficient police by Government at the Temple.

We have, &c.

(signed)	<i>Dalhousie.</i>	<i>J. Low.</i>
	<i>G. Anson.</i>	<i>J. P. Grant.</i>
	<i>J. Dorin.</i>	<i>B. Peacock.</i>

Fort William, 28 February 1856.

From Rev. *D. Ewart*, Missionary of the Free Church of Scotland, to
J. P. Grant, Esq., c. s., Secretary to the Government of India.

Sir,

As Secretary to the Calcutta Missionary Conference, I have the honour to forward to you herewith, for presentation to the Most Noble the Governor-General of India in Council, a memorial from certain missionaries and ministers on the subject of the draft Act for withdrawing the permanent donation to the Temple of Jaganath, and a copy of a pamphlet, intituled, "The Rights of Jaganath," which is referred to in the said memorial.

I beg leave also to forward a few copies of the memorial in a printed form.

I have, &c.

(signed) *David Ewart*,
Missionary of the Free Church of Scotland.

131, Bow Bazar-street,
12 August 1852.

To the Most Noble the Marquis of *Dalhousie*, Governor-General of India
in Council.

The MEMORIAL of the undersigned Christian Ministers and Missionaries
in Calcutta, —

Respectfully sheweth,

THAT in May 1851 your memorialists observed with much pleasure in the Calcutta Government Gazette the draft of an Act for separating entirely the Government of India from the Temple of Jugannath at Puri, by withdrawing the donation annually paid by it to that shrine. Believing that such a separation will greatly promote the interests of morality and religion by removing a serious evil which has existed for many years, and anxious, therefore, to see such a measure passed into a law, your memorialists beg leave to call the attention of your Lordship in Council to the subject of which it treats, especially in reference to some difficulties which the advocates of the Temple have opposed to its enactment.

That your memorialists derive much pleasure from the fact, that after an ample discussion of the Temple's claims by the highest officers of Government, it appears to be irrefragably proved, that no pledge binds the Government to continue the present donation as a gift, for which it has received no equivalent. Your memorialists apprehend, that the only question which now remains for decision, is the simple question of account, whether the Temple is entitled to any compensation for any of its endowments that have at any time passed into the hands of the Government. On this point, your memorialists beg permission to solicit the attention of your Lordship in Council to the accompanying copy of a pamphlet, intituled, "The Rights of Juggernaut," reprinted from the July

number of the Calcutta Christian Observer, and, in further reference to this point, to lay before your Lordship in Council the following considerations :

It is known to your Lordship that, on the conquest of Orissa by the British forces, the Temple of Jugannath at Puri possessed an income of its own, derived from an estate in land ; from certain kunjahs or assignments on the revenues of various districts, forts, and villages ; from a poll-tax, a tax on trades, and a tax on intestate property ; from the sale of " holy food," and from the fees and offerings presented at the shrine ; and that this income, after careful investigation by the Collector of Cuttack in 1807, was declared to be of the annual value of 30,884 sicca rupees, or 32,814 Company's rupees. The whole of these sources of income having then been appropriated by Government, their equivalent was paid annually out of the proceeds of the pilgrim tax. On the abolition of that tax by Act X. of 1840, the Government resolved to restore such of the endowments as could be restored, and to make up by a special annual donation the deficiency between the income derived from them, and that which the Temple possessed in 1807. The full ancient income of the Temple being thus provided for, the superintendent and priests of the Temple were forbidden to impose or levy any tax or fee on the pilgrims. In pursuance of this arrangement, certain payments were made to the superintendent of the Temple by the Government of India down to 1845 ; when a more careful calculation having been made of the required deficiency, the amount was estimated at 23,321 rupees.

Your memorialists, however, observe that this calculation was based on the estimate of Mr. Græme, which was rejected as incorrect by Lord Minto, and not upon the complete and detailed statement of Mr. Webb in 1807, which, your memorialists submit, is the only accurate and authentic record on which estimates can be framed. Mr. Græme's returns showed the Temple's income to be 47,877 rupees annually, while Mr. Webb reckoned it only at 32,814 rupees. When, therefore, the Government of India, in 1845, calculated the compensation due to Jagannath on the basis of Mr. Græme's estimate, it assumed that its annual income had been more by 15,000 rupees than Mr. Webb's report proved it to be ; and compensation having been calculated, and paid ever since 1845, on this erroneous basis, an excessive payment to the extent of 90,000 rupees, in six years, has since been made by the Government to the Temple. But this is not the only excess that has to be set off against the Temple's present claims, for, in fact, the annual payments from 1840 to 1845, were still larger than 23,321 rupees, and make up the aggregate excess of payments in the last 12 years to the sum of 2,34,000 rupees.

With respect to the ancient endowments or sources of income, some were restored by the Government, as already stated, after the Act of 1840, but some minor ones, which could not be accurately ascertained, were incapable of being restored. The taxes which have been mentioned, from which the Temple previously to 1807 had derived an income, had long prior to 1840 been abolished, and your memorialists submit, that for these the Temple was entitled to no compensation whatever. Your memorialists apprehend that gifts charged on special taxes (as these gifts were by the old Mahratta government), can never bar the right of a Government to relieve the people of those taxes, and can only be claimed so long as the taxes on which they are charged are continued. The more important sources of income which the Government had assumed, and which in 1840 they restored to the Temple, were the landed estate, and the right to sell " holy food," roths, and cloths. From these alone the income of the Temple has been ascertained to amount at the present time to 22,000 rupees, leaving only 10,814 rupees to make up the entire income of 32,814 rupees, which was reported by Mr. Webb in 1807. But your memorialists have already shown that the Temple has received 2,34,000 rupees in excess of its rights since 1840, and this sum alone would be a full, and, indeed, an excessive compensation for an annual payment of 10,814 rupees, even if such annual payment were justly claimable, and had not been, as your memorialists now proceed to show that it has been, otherwise provided for already.

On this point your memorialists submit to your Lordship in Council, that the item in the old sources of income which is called dhawja pandika is deserving

ing of special attention. It is one of those which have been restored to the Temple, and consists in the right to receive the voluntary offerings presented at the shrines by the devotees. In the official statements this item is reckoned at a very small sum (not more than Rs. 667. 12. 3.), and your memorialists acknowledge that there must have been great difficulty in obtaining, officially, anything like a complete and satisfactory statement on a subject of this kind. But your memorialists have good reason to believe (for the reasons stated in the accompanying pamphlet) that the actual receipts from voluntary offerings at the Temple should be reckoned at a far larger sum. It is the conviction of your memorialists, that their average annual value cannot be less, and on strict inquiry would be found to be more, than the sum of 10,814 rupees above mentioned, or, in other words, that these offerings, with the sum of 22,000 rupees derived from the other restored endowments, exceed the entire income of 32,814 rupees which the Temple possessed in 1807; that is, the whole sum of which the Government then deprived it, and for which alone the Government ever was in any way bound to provide an equivalent. If it be said that these voluntary offerings to the shrine were always received by the people of the Temple, and were additions to the Government allowances, your memorialists reply, that they were all along included among the endowments, under the title of *dhawja pandika*, and that for the priests to have appropriated this item to themselves would have been a fraud upon the Government; for the Government expected, and under the terms of its agreement with the keepers of the Temple was entitled, to receive the entire income of the shrine, for which it became bound, in return, out of the endowments (supplemented by the pilgrim tax), to defray the whole expenses of the Temple, on a scale specially fixed and assented to by the priests themselves.

Whether, therefore, your memorialists look at the excessive money payments made by the Government during the last 12 years, or at the large income which the Temple must derive from the restored endowments, including the *dhawja pandika*, they cannot resist the conclusion that the Temple has received more compensation already than was strictly due to it; and that, on every ground of reason, justice and equity, the Government is wholly absolved from all obligation to continue its donation for a moment longer, or to make any compensation whatever, if they pass the Act to sanction its immediate withdrawal.

But, further, your memorialists beg leave to observe, that whilst the Act No. X. of 1840 prohibited the superintendent of the Temple from levying any tax or fee from the pilgrims (in lieu of the pilgrim tax which that Act abolished), the Draft Act of last year contemplates a removal of that prohibition, and thus will restore to the Temple the only remaining item of its old sources of income. The result of the passing of this Act, and the removal of this prohibition, your memorialists believe, will be a large additional income to the Temple. They are not prepared to express an opinion on the exact amount of this addition; but as the number of pilgrims to Juganath cannot be estimated at less than 1,20,000 annually, even the trifling charge of four annas a head would realise an income of 30,000 rupees a year, in addition to the rest of its income, which your memorialists submit that they have already shown to be more than equal to its entire income in 1807.

Your memorialists further show unto your Lordship in Council, that they forwarded a memorial against the donation to Jagannath to the Honourable Court of Directors in the year 1850, and therein expressed their deep and solemn convictions respecting the fearful misery and the awful aggregate of moral evil that had resulted from the connexion of the Government of India with that famous Temple. These convictions they retain now in all their force; but as their object at present is to deal with the claims of the Temple, not on the grounds of morality, benevolence and religion, nor even on the grounds of public policy, but on those only of simple arithmetical account, they abstain from dwelling on any other considerations. They conclude with the humble request and the earnest hope that your Lordship in Council will now, by passing the Draft Act of 1851, finally terminate the connexion of Government with the Temple of Jagannath, and leave it to be sustained by its own votaries, till the time (which your memorialists pray may not be distant in India) when the idols shall be banished from the earth, and the true Lord of the Universe,

whose right it is to reign, shall establish His peaceful kingdom throughout the world.

And to that gracious King of kings your memorialists commend your Lordship in Council, with earnest desires for His blessing in your Government.

(signed) W. S. Mackay, Free Church of Scotland.
 Charles Bennett Lewis, Baptist Miss. Society.
 J. Wenger, Baptist Missionary Society.
 T. Morgan, Baptist Missionary Society.
 Wighton Yule, Min. Scotland London Association.
 Edward Storrow, London Missionary Society.
 William Henry Hill, London Missionary Society.
 Samuel Port, Church Missionary Society.
 J. Long, Church Missionary Society.
 John Anderson, Established Church of Scotland.
 Timothy Sandys, Church Missionary Society.
 James Ogilvie, Church of Scotland.
 A. F. Lacroix, London Missionary Society.
 Joseph Mullens, London Missionary Society.
 David Sinclair, Missionary from Free Church of Scotland.
 G. G. Cuthbert, M.A., Sec. Calcutta Committee Church Missionary Society.
 J. H. Parker, London Missionary Society.
 Henry Thomas, Church of England.
 James Thomas, Baptist Missionary Society.
 James Paterson, London Missionary Society.
 George Pearce, Baptist Mission.
 Thomas Boaz, Pastor, Union Chapel.
 A. Leslie, Baptist Missionary Society.
 H. S. Fisher, M.A., Chaplain H. C. Service.
 Andrew Morgan, Free Church of Scotland.
 Jno. Smith, Free Church of Scotland.
 Lul Behari, Free Church of Scotland.
 Carapiet Chater Arutoon, Baptist Missionary.
 G. Mundy, London Missionary Society.
 John Blomefield, Assist. Chaplain H. C. Service.
 J. Eville, Cathedral.
 John H. Kidd, Military Orphan Society.
 Chas. Davis, B.A., St. Paul's Cathedral Mission.

NOTE by the Secretary.

Juggernath Memorial.

THIS memorial, from 34 reverend gentlemen of different persuasions in Calcutta, concerning the payment made on account of the Temple of Juggernaut, relates to a subject which has been under the consideration of Government since the receipt of the reply of the Honourable the Court of Directors (Legislative Department (No. 7), 5th May 1852), to the reference made to them from this department, under date the 27th of November 1851.

The orders of the Government of India, dated the 6th of September 1845, with the slight correction of account made by the orders of the 20th of December 1845, were intended by the Government of that day as a final settlement, both of the long agitated question of principle, and of the question of account concerning the payment made to the Rajah of Khoordah, as superintendent of Juggernath. The allowance paid before those orders were issued, consisted of two elements, in proportions which had not been definitely ascertained; namely, a donation or grant for which no valuable consideration had been received by the State; and a payment of what was due to the institution in exchange for certain rights of tax and toll abolished, and of certain property with which it was endowed when we took possession of Orissa, and which the Government, in the course of the first three or four years of our rule, assumed into its own hands

hands on behalf of the institution. The settlement of the question of principle, to which the Government of India came in 1845, was to withhold for all future time every particle of the allowance before paid which consisted of donation, continuing all that part of the allowance which was made in return for value received; and the settlement of the question of account to which the Government of India then came, was this: that of the allowance before paid, viz., Rs. 35,758. 9. 6., the sum of Rs. 12,437. 9. 6. had been donation, and 23,321 rupees had been payment of what belonged to the institution, as due for value received.

Up to that time all objections taken to the allowance paid annually on account of this endowment had been founded upon principle; on the ground of the impropriety of the British Government supporting, by annual donation, a Hindoo temple. The present memorial, which appears to be the first memorial on the subject received since the settlement of 1845, distinctly disavows all objection of principle, and restricts itself to objections of account. It does not maintain that, if anything is due by Government, what is due should be withheld on the ground of moral obligations; but it maintains that the account was adjusted in its details in a manner too favourable to the Temple. The memorialists say, that "the only question which now remains for decision, is the simple question of account;" and they represent that "their object at present is to deal with the claims of the Temple, not on the grounds of morality, benevolence, and religion, nor even on the grounds of public policy, but on those only of simple arithmetical account."

The memorialists do not question the good faith in which the Government of India, in 1845, made the existing adjustment of account. It is, therefore, plain, as moral and political questions are not soluble by arithmetic, they cannot consistently maintain that any such question is involved in the proposition now made by them. The only legitimate prayer to which the argument of the memorial can lead, is the prayer that Government should take the account afresh, giving due weight on the side of financial economy to the considerations set forth by them in reduction of the figures at which the claim of the Temple stands, as now adjusted; and that it should reduce the compensation according to the arithmetical result of the process. But the prayer with which they do conclude is, that the Draft Act of 1851 should be passed into law, and that all payment in compensation should be withheld, irrespectively of the result of the re-adjustment of the details of account, which they insist upon. The inconsistency with which they admit that the only question now is one of account, and, nevertheless, maintain that unless the balance is made (by the accountant employed) to come out zero, the Government will sin in omitting to "finally terminate the connexion of Government with the Temple of Juggernath" is very striking.

Sir H. Hardinge.
Mr. Bird, Sir
Herbert Maddock,
Mr. Millett.

The Government of 1845 held, that it had finally terminated the connexion of Government with the Temple of Juggernath. —Whether the settlement of account in 1845 was accurate or not, and whether there be such a set-off in favour of Government, as equitably to extinguish the claim of the Temple or not, it is manifest that making a payment of what is believed, in good faith, to be no more than a debt which the Government is bound to pay, cannot, with any show of reason, be treated as constituting a connexion with the recipient. The Government is not connected with, nor responsible for the objects upon which a fundholder expends the dividends he draws from the treasury; nor is the case altered, though more should be honestly paid in dividends, by error in account or in law, than an infallible tribunal would adjudge. The case of a fundholder, and an institution possessing a rentcharge over certain lands of which Government draw the whole rent (which is the case of Juggernath), are in this point of view identical.

The memorialists object to the adjustment of account made in 1845. that it was framed on an estimate of Mr. Græme, instead of a more accurate estimate afterwards prepared by Mr. Webb, in 1807. The memorialists imagine, that here they have discovered an error of 15,000 rupees. They cannot have read the papers they complain of. A reference to the Reports of the Commissioner on which the adjustment was made will show that both Mr. Webb's and Mr. Græme's estimate, as well as every available source of information upon record, were carefully consulted. Mr. Webb, it will be seen, is quoted as often as Mr.

Græme;

* See Mr. Mills' Report, 15th May 1845, para. 5, p. 5, of Parl. Papers.

Græme; and the erroneous items which Mr. Webb struck out were struck out by Mr. Mills.* This objection is a mere mistake. The difference between the receipts of the Temple, apart from the donation, at different times, in the early years after the conquest, arose from the gradual assumption of the sources of revenue of the Temple into the possession of Government. In Mr. Webb's time they were less than in Mr. Græme's, and after Mr. Webb's time they were reduced almost to nothing, as Government had taken possession of all the Temple's land and assignments by the year 1809.

* Reg. 27, of 1793.

The memorialists next object to the allowance of compensation for sayer revenues abolished. They certainly do not understand this point. They imagine that the Mahratta government made a gift to the Temple out of the proceeds of certain taxes abolished, which is quite a mistake. The Temple, probably from its foundation, had a right to levy, and levied itself a poll tax, a tax on trades, and other such sayer duties, exactly as was done by zemindars and others all over Bengal. In Bengal, by Regulation,* these sayer duties had been abolished, as being contrary to policy, compensation being made, of course, to the owners, of whose private property they formed a part. Where revenue had been assessed on these sayer duties, it was remitted; where the duties had been enjoyed free of assessment, compensation in full was given by annual money allowance. When Cuttack was conquered, the same thing was done in that province by a general enactment (sec. 31, Regulation XII., 1805); and of course Juggernath must take the benefit of that very just general enactment, like any other ex-owner of sayer duties.

Next, unless the drift of the memorial is misapprehended, the memorialists want to deduct from what is due for the property of the Temple, rated at its value when we took possession of it, the increased value of their land now restored, rated at its value when restored. Of course, after 40 years of British rule, all the land in Cuttack rose in value; but the owners of the land cannot be defrauded of that increased value, any more than of the original value. The very land which the Temple before possessed, and which we took into our own hands, has been restored, and no entry is made in the bill on account of that land. In no other way could we have replaced the institution, so far as their lands are concerned, in the same position as if we had never interfered in its concerns.

Lastly, the memorialists object to the item of dwaja pandika, or temple offerings, which is one amongst other items deducted from an item of miscellaneous resources (10,638 rupees) at credit of the Temple, this item being collected directly by the superintendent of the Temple. They say this item, entered at Rs. 667. 12. 3., must be greatly less than the truth; and they would have a deduction, by guess, of 10,000 rupees a year, made from the balance due to the Temple on this account. But they have failed to perceive that it does not matter a single pie to the account what the true amount of this item may be. The item forms a constituent part of the larger head of miscellaneous resources, as estimated 50 years ago. It is, of course, only necessary to pay the Temple for so much of this head as it has been deprived of; and as it has not been deprived of this particular item, be it large or small, it is dropped out of the account. It would be a strange way of dropping an item to admit it at 667 rupees, and to strike it out at 10,000 rupees.

The principle on which the Government of 1845 proceeded was, without knowing or caring whether the profits of Juggernath (any more than any other similar temple) were more or less now than in 1803, in stopping the donation, to give back to the institution, without the addition or reduction of one pie, the very property we found it then endowed with.

It is for his Lordship in Council to judge whether, as a mere question of account, the memorialists have advanced such objections to the very careful adjustment made in 1845, as to require or warrant the re-opening of that subject.

In the present state of the whole matter before Government, it may perhaps be convenient, by way of drawing forth plainly the points for determination by his Lordship in Council, to narrate the unquestioned facts of the case, so far as they

they are material. The necessary documents are all in print, and the printed papers are herewith submitted. The best account of the earlier proceedings in relation to Juggernath, upon which everything hinges, is in Paras. 6 to 21 of Mr. Secretary Halliday's letter to the Government of India, dated the 11th of March 1844.* The proceedings connected with the taking off of the pilgrim tax, and the passing of Act X. of 1840, were printed in 1840.† The proceedings connected with the restoration of the lands of the Sutaees Hazaree Muhal to the Temple, and the inquiries made in consequence of several unfounded charges brought against Government, in relation to Juggernath, in a pamphlet published in London in 1842 or 1843, are printed in the above-mentioned Return of 1845. Mr. Millett's minute of the 3d July 1844, at p. 93 of this Return, gives the best general account of the financial position of the Temple. The proceedings connected with the settlement of 1845 were printed both for the proprietors of East India stock in 1848,‡ and in the House of Commons Blue Book, "Idolatry (in India)" of 1st August 1849. The Government Order of 6th September 1845,|| read in connexion with Mr. Millett's minute above-mentioned, will show fully the grounds on which the existing settlement of both the question of principle and the question of account was made by the Government of India in 1845.

† Papers relating to Juggernath, 1848.
|| Page 354 of Blue Book, and page 21 of Proprietors' Papers.

The Mahratta government annually made up to the Temple of Juggernath the excess of its authorised expenditure over the proceeds of its endowments, both of which appear to have been superintended or checked by a Government officer. When we took the country, Lord Wellesley considered it a political object of the greatest importance to conciliate all parties interested in the temple; and he promised them every protection in respect to their persons, rites, ceremonies, and the sanctity of their religious edifices. He carefully ordered that all property, treasure, and valuable articles contained in the pagoda, and possessed by persons attached to it, should be respected as being consecrated to religious use, or by the customs and prejudices of the Hindoos. As he was speaking with reference to what might have been taken as "prize to the army," of course he did not specify landed property, or rentcharges; but *a fortiori* such real property comes within the spirit of his provisions. The pilgrim tax, owing to abuses in its collection, was immediately discontinued, leaving the question of its re-imposition at some future time open. Before that question was determined, it was taken for granted by Lord Wellesley's Commissioners on the one hand, and the Juggernath Brahmins on the other, "the two parties to the negotiation which had preceded or accompanied the advance of the British army," that "the British Government had taken up a position which authorised the priests to look to it as a matter of course for the full amount of pecuniary assistance which they had been accustomed to receive from their own national governors." Lord Wellesley, in discussing the question of the reimposition of the pilgrim tax, treats the necessity of undergoing the charge of supporting the temple, as the Mahrattas had done, as a matter of fact; the positive fact of the "heavy annual expense" on this account, which Government must defray, under any circumstances, being used by him as an argument for the affirmative of the question of the expediency of "relieving itself" by the tax, which he discusses. He says, "the heavy expense attendant on the repair of the pagoda, and on the maintenance of the establishment attached to it (which has always been defrayed by the Government of the province), render it necessary, from considerations connected with the public resources, that funds should be provided for defraying this expense." And he observes, as an inducement to impose the tax, that it will be considered, "both by the Brahmins, and the persons desirous of performing the pilgrimage, to afford them a permanent security that the expenses of the pagoda will be regularly defrayed by Government." The pilgrim tax was not collected till 1805-6, so that for the two first years this "heavy expense" actually was defrayed from the general revenues. This expense amounted in 1803-4 to 38,876 sicca rupees, and in 1804-5 to 34,080 sicca rupees, being the difference between the receipts of the temple from its own sources, and its expenses

* Printed at p. 75 of a Return to an Order of the House of Commons, dated 5th August 1845, ordered by the House of Commons to be printed 9th August 1845, Appendix No. 2, Part II.

† Return to an Order of the House of Commons, dated 6th August 1840, ordered by the House of Commons to be printed 11th August 1840.

expenses. The tax was not established by law till 1806, nor determined upon by Government till the 21st of November 1805; and before the earlier of those dates, namely, on the 5th September 1805, the Regulation was passed which excepted from certain measures of resumption, what it designated, as "the established donation for the support of the Temple of Juggernath." This donation and the actual payment made from the public treasury to the institution, must have been, at first, identical; for the donation was the difference between the receipts of the temple and its authorised expenses. But by section 31, Regulation XII., 1805, passed on the 5th of September, the sayer duties were abolished, "adequate compensation" being by that law expressly provided, exactly as in Bengal, to all persons who had derived advantages from them. And in 1809 Government took, or rather by that year it had taken, "the collection of the whole funds of the temple into its own hands," and so, as Mr. Millett remarks, "it became answerable for the whole expense." From 1805, therefore, the annual allowance commenced to take its composite form of donation and compensation; and from 1809, the annual allowance, which had been at first all donation, became in its greater part compensation.

In 1840 the pilgrim taxes were taken off. These taxes were levied not only at Juggernath, but at Gyah and Allahabad also, and they were all taken off unconditionally, and at one stroke. The Juggernath tax was comparatively a small part of the whole financial loss. After deliberately considering the question, it was determined to make no conditions when taking off these taxes, in order to save Government from certain expenses incurred by Government, and chargeable, up to that time, to the receipts from the Gyah and Juggernath tax. At Gyah these charges, which are still incurred, amounted to upwards of half a lac of rupees annually. The pilgrim tax was taken off at all three places, simply as any other tax from what had come to be considered an improper source of revenue would have been taken off.

In 1843, in obedience to the instructions of the Court of Directors, the Sataees Hazaree estate was restored to the temple; an equivalent deduction, namely Rs. 23,821. 3. 10, being made from the annual money payment, which was thus reduced from 60,000 rupees to Rs. 36,178. 12. 2.* This reduction, of course, affected the compensation, and left the donation as it was.

Approving of this measure, the Court of Directors suggested the expediency of commuting the remainder of the whole allowance, in the same manner, by restoring any other lands of equal value which may formerly have belonged to the temple. On inquiry, it was found that no other lands had ever belonged to the temple; but in the course of the investigations made in pursuance of this suggestion, it was ascertained, after very careful scrutiny, what the assets of the temple were when we took the province. This scrutiny showed that the revenue of the temple, from its own resources, when we took the province, by reason of its endowments from the Mahrattah government, apart from the variable donation which it received annually from that government, amounted to 23,321 rupees.

This income was thus made up:

	Rs.
Former Jumma of certain Sataees Hazaree Lands -	11,848
Ditto - - - ditto - - - ditto - -	157
Ditto - - - ditto - - - ditto - -	6,946
Ditto - - - ditto - - - ditto - -	240
Rs.	19,191

As these lands had been retransferred specifically into the possession of the temple, and a deduction of a larger amount (owing to the increased value of land),

* These figures are taken from the Court's despatch of 18th December 1844. The ultimate adjustment, after the restoration of the Sataees Hazaree estate, gave to the temple an annual allowance of Rs. 35,738. 7. 6. See Legislative letter to the Court, of 7th January 1846, page 20.

land), had been already made from the compensation, this sum was not taken into account.

	<i>Rs.</i>	<i>Rs.</i>
Assignments on certain pergunnahs, brought upon the Government rent-roll since about 1807 - - - - -	17,179	
Assignments on certain rent-free lands, less by what is included in the Sataees Huzaree Estate, restored - - - - -	330	
Ditto on certain zillahs, less by ditto ditto - - - - -	538	
TOTAL of assignments of revenue - - - - -	- - - - -	18,047
Compensation for sayer duties formerly enjoyed by the temple, but abolished by Regulation in 1805, with a stipulation of compensation in money - - - - -	- - - - -	5,276*
TOTAL income of the temple from its own property in the hands of Government, exclusive of its landed property restored to it, - - - - - <i>Rs.</i>	- - - - -	23,323

* According to the ultimate adjustment made.

The Honourable Court had proposed to restore any lands formerly possessed by the temple to the annual value of *Rs.* 35,786. 9. 6., being the amount of the whole money allowances then made, which it has been seen was partly a donation, and partly a compensation. No such lands being found to exist, it was proposed at one time by the local officers to purchase lands to that amount, and to make them over to the temple, which would have been perfectly in the spirit of the Honourable Court's orders, it being all one to Government and the temple what specific lands they might get. But "it was found that there would be considerable difficulty in acting upon this suggestion;" and because of that circumstance, the Governor-general in Council came to the conclusion that it would be the most reasonable course "to place the endowments of the temple as nearly as possible on the same footing as we found them on the acquisition of the province, and to discontinue the payment of any sum in excess of the funds as then existing."

It will be observed that, in withdrawing so much of the annual allowance as was the donation, viz., *Rs.* 12,417. 9. 6., the Government of India went beyond the suggestion of the Honourable Court, which was to commute the whole annual allowance for land. And the manner in which the Government of the day explained the motives for the arrangement they made, is open to the following criticisms: that a practical difficulty anticipated in commuting the whole of any money allowance for land, is no reason for reducing the money allowance. But a perusal of the Minutes of the members of Government, recorded in 1843, clearly proves that their intention, by the proceedings commenced by the inquiry ordered in 1843, and communicated by the settlement of 1845, was not to confiscate any property that actually belonged to the institution when we succeeded the Mahrattas, but to withdraw, in reality, all support of Government from the temple of Juggernath, by withholding for the future all that part of the annual payment which consisted of donation; thus, in their opinion, wholly disconnecting Government from the temple.

The right of withdrawing what was mere donation, was a question on which a difference of opinion had existed. Lord Auckland, in 1838, had judged that the negotiations of Lord Wellesley's Commissioners; the recognition recorded by Lord Wellesley himself of our liability to this "heavy expense," whether we reimbursed ourselves by a tax or not; the fact of the payment of the donation for two years before the imposition of the pilgrim tax; the recognition of that payment as being "an established donation" by the law of 1805 (Regulation XII.), passed long before the legal re-establishment of the pilgrim tax, and before the resolution to re-establish it had been passed; and the preservation of that allowance from the operation of the rules for the trial of the validity of other grants and allowances of a like nature, specially made in section 30 of that law, at a time when the allowance was paid out of the general revenues; constituted a pledge to continue the donation permanently, which the simple taking off of the pilgrim tax did not relieve us from, because

that measure, though it benefited the pilgrims, and probably the priests and servants of the temple personally, did not benefit the endowment itself. It was perceived that if a right to collect a part of the tax, equivalent to the whole allowance, were given to the institution (not to its servants personally), that would free us from all liability to continue any part of the allowance; but it was not thought proper to adopt that financial expedient when the tax was abolished in 1840. On the other hand, the Government of 1845 judged that the giving up of the tax, about 90,000 rupees a year, which amounted to a great deal more than the donation, justified the withdrawal of the donation; because, in fact, the donation made under the Mahrattas, which we took upon ourselves when we succeeded them, had been made out of a former pilgrim tax, and our donation, with a short exception, whilst the question was in suspense, had been made out of the new pilgrim tax now abolished, which sufficiently connected the tax and the donation, and showed that the one was conditional on the other; also because, although the abolition of the tax did not benefit the funds of the institution, it benefited, to a much larger amount than the donation, all those people for whom the institution existed, namely, the Hindoo followers of Sheeva directly, and the priests and servants of the temple indirectly.

* Page 93 of Parl.
Return of 9th
August 1845.

† Page 97.

This question has been now finally decided—authoritatively in favour of the judgment come to in 1845; but the fact of the existence formerly of such a question is here called to mind as a matter of history, with reference to the new question raised by the present memorial, in order to show that in the opinion of all the members of Government, from 1840 to 1845 inclusively, the equitable force of the abolition of the pilgrim tax is wholly exhausted by the withdrawal in 1845 of so much of the former established allowance as was truly donation. A great part of Mr. Millett's minute of the 20th of April 1844* is taken up in distinguishing (upon what was then rather imperfect information) between the donation, which, he argued, might have been fairly withheld on the abolition of the pilgrim tax in 1840, and the compensation which he distinctly admitted could not have been fairly withheld on that occasion. This passage of his minute commences with the words, "it may still be useful to consider how the question of the payment might have been adjusted at the time of the abolition of the pilgrim tax."† He says the annual allowance "could not have been withdrawn altogether, inasmuch as compensation was due to the temple, on account of some of the sources of its income having been abolished by the Government." He mentioned the compensation for sayer duties abolished, and the assignments of revenue now taken into the Government rent-roll, as items of the property of the temple, that Government, under any circumstances must account for, and he concludes by saying, "Enough has been stated to show that a considerable sum must have been set aside from the Government payment of 28,675 rupees as an equivalent for the resumed revenues of the temple, putting it still further beyond doubt that on the abolition of the pilgrim tax the temple might safely have been left to its own resources, and a most desirable result have been attained in the complete separation of the Government from all connexion with it." Mr. Bird entirely coincides in these views, proposing the making over to the temple, of lands equivalent to the endowment as existing when we acquired the province; and holding that this (and by plain inference not otherwise) without any breach of good faith, we should be able to become as wholly free of all connexion with this temple as we were free of all connection with the other temples under the Bengal Presidency. Sir Herbert Maddock did not then agree to go so far; but in 1845 this was the very course unanimously adopted by the Governor-general (Lord Hardinge) in Council.

As to the arrangement of Lord Wellesley after the acquisition of the province, not only is it to be said that it is certain, from the correspondence, that, even if he had not imposed a pilgrim tax, he would not have confiscated the revenues of the temple as he found them, but it is to be said that he passed a special law securing to the temple its property in those endowments. This law is sec. 8, Reg. XII., 1805, which contains no allusion to any pilgrim tax, and was passed when no pilgrim tax existed, and when it had not been resolved to impose any such tax. That section excepts from the operation of the rest of the Regulation, "the rents of any lands assigned under grants from the Rajah of Berar, or from any Zemindar, Talookdar, or any actual proprietor of land in the zillah of Cuttack, as endowments of the temple of Juggernath;" and as the rest of that Regulation

Regulation is the only law under which any resumption of such assignments can be made, this section operates to this day as a complete legislative assurance of the property Mr. Millett has held, doubtless upon sound principles, that the reservation of the donation made in sec. 30 of the same Regulation would only amount to a virtual confirmation if the grant could not otherwise be effected; and he has held that the donation, intending only that part of the allowance which was truly donation, was liable to challenge on grounds independent of the Regulation, from the operation of which alone it was preserved. But no one has ever questioned that the endowments of the temple are assured by sec. 8 of the same Regulation, seeing that no such tenures in Cuttack can be resumed on grounds independent of that Regulation. Whilst sec. 8, Reg. XII., 1805, stands, nothing is more certain than that any court of law would decree the assignments to the temple in a trial of the right. Indeed, apart from that section, it is not doubtful that these assignments are not resumable under the general resumption laws. The assignment of the rents out of certain lands, for which Government now accounts to the temple, because it draws the rents, are of the same force and effect as a Lackiraj tenure, such as the temple possessed of the Suttaees Hazaree estate, the one being a tenure of a rent-charge, and the other a tenure of rent-free lands.

Thus it may be right to cease to account for the assignment, and to take back again the Suttaees Hazaree estate, or it may be right to continue to account for the assignment, and to leave the Suttaees Hazaree estate to the temple; but on any view of the rights of the case, to cease to account for the assignment, and to leave the Suttaees Hazaree estate to the temple, would be open to this objection, that either the Government repudiates a just debt, or connects itself with a heathen institution, by making it a gratuitous donation of land.

After the settlement of 1845 had been in operation for some years, a despatch from the Honourable Court, dated the 27th of February 1850, was received, in which the Government were asked to say, with the further information on the subject which might now be accessible, whether, with reference to the facts that the abolition of the pilgrim tax had increased the number of pilgrims, and that the offerings of pilgrims, given within the walls of the temple, are exclusively for the expenses of the temple, the (reduced) annual payment to the Rajah of Khoordah on account of the temple might be discontinued.

It is possible that this question was put under a misapprehension of the true state of the case, arising from the somewhat ambiguous and imperfect manner in which the purpose and effect of the settlement of 1845 were reported to the Honourable Court. The question is introduced by the following passage: "Accordingly the allowance for the support of the temple, paid to the Rajah of Khoordah as superintendent, which had been fixed at about 60,000 rupees, and had been reduced to 36,178 rupees on the relinquishment of the Suttaees Hazaree estate to the pagoda, has, in order to place the endowments of the temple as nearly as possible on the same footing as we found them on the acquisition of the province, and to discontinue the payment of any sum in excess of the funds then existing, been now fixed at 23,321 rupees." The Honourable Court may well have understood that, in reporting that the endowments of the temple had been placed as nearly as possible on the same footing as we found them, it was meant that the funds of the temple had been placed on that same footing. It has been shown that this was not the case, because the funds of the temple, as we found them, consisted of endowments and an annual donation; and though the endowments have not been confiscated, the donation has been now withdrawn. But this important distinction was not in the report to the Court prominently brought to notice, and there is no doubt that its existence is generally unknown. The Honourable Court may have thought that the question still was merely a question of more or less donation, or a question of donation or no donation, and not, what it truly is, a question of whether the circumstances justify resumption of endowments confirmed by law or not.

The proceedings of the Government of India on receipt of this despatch were opened by a minute of the late Mr. Bethune, a perusal of which may probably satisfy a reader that when he wrote it, Mr. Bethune was under the same common misapprehension that the reduced payment fixed in 1845 was donation, not compensation in lieu of endowments taken possession of by Government, and sayer duties abolished. Mr. Bethune quotes Mr. Bird when speaking of

the donation, which Mr. Bird himself afterwards abolished, as though his words were still applicable to the reduced payment which Mr. Bird left untouched; but it has been shown that Mr. Bird no more thought of appropriating to the State the endowments of the temple as we found them, than Mr. Millett, or any other member of the Government of 1845. And in a subsequent minute by Mr. Bethune,* it will be seen that he retained the same impression as to the nature of the reduced payment now made; for he therein considers it sufficient, in order to take away all claim enforceable at law, to provide in his proposed new law against the effect of sec. 30, Reg. XII., 1805. Now that section relates only to the donation, which has been abolished, and it is sec. 8, respecting assignments of rents, and sec. 31, respecting compensation for sayer duties abolished, which are the Regulations under which the claim for the reduced payment now made would be supported at law, and these sections Mr. Bethune did not propose to repeal.

* Dated 11th Jan. 1851.

The question of the propriety of passing the Honourable Mr. Bethune's Draft Act, and simultaneously with reference to the provisions thereof stopping the reduced payment now made to the temple, having become a topic of discussion in minutes by the Most noble the Governor-general, and the other honourable members of Government, is, of course, not entered upon by the secretary in this note. But the secretary thinks, from the turn the discussion has taken, that the present question has, perhaps, not been recognized as being a question of endowments, and not a question of donation properly so called, which, if the view of past proceedings taken in this paper be correct, it is. Whether this view be right or wrong, the point is very important. The Draft Act submitted to the Most noble the Governor-general, who was absent, even as last revised, would lead no one to imagine that there was any question of anything but a donation, properly so called. The only word by which the allowance to be withheld is designated in the Draft Act is "donation for the support of the temple," which no one would readily understand to apply to the appropriation (however legitimate) of an ancient endowment. The Most noble the Governor-general has pronounced decisively against any donation; but in the same minute his Lordship observes, "It is a wise and just policy to continue generally to all religious institutions in a new province the endowments they may have lawfully received from former rulers. We have no better right to resume such endowment grants than to confiscate the property gifted by the State to private parties." The secretary hopes, therefore, that he will not be considered as trespassing, in respectfully pointing attention to the distinctive character of the present settlement as it seems to him to stand, and as it was intended to stand by the Government which made it.

The Government published the proposed Draft Act, and called for opinions upon it. Mr. Mills, the former commissioner of Cuttack, who had been consulted in 1843, was strongly opposed to the Act, on the ground of its being a breach of faith with a public creditor. He observes that the term "donation" applied to the present payment is a misnomer. He observes that the payment is due to the temple, which is represented by the Rajah of Khoordah, as superintendent; that he and the people of the temple have antagonist interests, and that no permission to the priests, cooks, and other servants of the temple, to exact fees, which they will appropriate for themselves, can be equivalent to the payment of money due to another party. The Board of Revenue, Mr. Ricketts, formerly commissioner of Cuttack, excepted, approve of the law. Mr. Gouldsbury, the commissioner, does not object to the principle of the law. Mr. Forbes, the collector, proposes to give the institution an equivalent in the shape of a tax on houses in the town of Pooree. The Rajah of Khoordah demands an equivalent, and asks to be allowed to levy a pilgrim tax in that view. Mr. Colvin strongly objects to the Act, on the ground taken by Mr. Mills, and other grounds. Mr. Dunbar approves of it; he considers that both donation and compensation were conditional on the imposition of the pilgrim tax; but he does not explain how he derives that impression from the historical documents, or how he reconciles it with the fact of our having taken the property of the temple out of the hands of its officers, some time after the imposition of the tax, and having simultaneously, and in a corresponding proportion, increased the annual allowance paid to the temple. The other Sudder judges give no opinion on the principle of the Act. The Rajah of Khoordah protested a second time against the stoppage of the payment, unless

he were allowed to impose a pilgrim tax as an equivalent on account of the temple. Ninety-three inhabitants of Orissa, in a petition, in which they somewhat offensively pointed to the difference between the fate of those Mahomedan conquerors who did, and that of those who did not do justice to the Hindoos, protested against the stoppage of the payment, unless the money were made up by a pilgrim tax, or other means which they point out; and they prayed that the superintendence of the temple should be taken from the Rajah of Khoordah, and made over to a Panchayat. The priests of the temple presented a petition, in which, alluding to the suggestion thrown out by the Honourable Court, of the institution having obtained an equivalent to the donation in the increased resort of pilgrims, who fee the priests, they prayed that, as the superintendent of the temple was about to be deprived of the annual allowance, without the restitution of the lands, &c., in return for which it had been given, provision should be made against the possibility of their being required to make up to the institution the deficiency out of their personal dues.

In this state of the case the passing of the proposed Act was suspended, and all the papers were referred for the consideration and orders of the Honourable Court. The reply to that reference is now to be disposed of by the Most noble the Governor-general in Council. With the facts and opinions now before them, the Honourable Court have not approved of the proposed Act, nor of the proposed uncompensated withdrawal of the present payment; but, in order unobjectionably to dis sever the British Government from all connexion with Juggernaut, they authorise the substitution for the annual payment of one final payment, fixed upon a liberal construction of past engagements or understandings; and they express a desire that all legislation on the subject may be avoided, if possible.

How far legislation can safely be avoided, if any course be adopted which shall cause the present annual payment to cease, is very doubtful. Had the proposed law been passed, it is believed that it would not have been found sufficient to protect Government. For, as Mr. Colvin, an eminent judge of the Sudder Court, has noticed, it would only have prevented any claim being established at law for any "donation" for the support of the temple, under sec. 30, Reg. XII., 1805, or under any other existing Regulation; but the present payment was made as a compensation, and is named a "compensation" in the Government orders finally fixing it. * In previous orders it is called a "restoration of the former funds of the temple," and it is made on account of claims, cognisable by the courts of justice under the General Regulations, and specifically secured and confirmed by sections 8 and 31 of Regulation XII., 1805. It is doubtful, therefore, whether any arrangement, not confirmed by a law which shall discontinue this annual payment, whether a sum of money, by way of an equivalent, in one final payment, be given to any individual or not, can secure Government hereafter from the claim on behalf of the temple of any person interested in the temple. Probably no person exists legally competent to make a bargain for the sale of the ancient endowments of Juggernaut.

But one course occurs to the secretary, which, if the general view taken in this note be correct, it may perhaps be thought will unobjectionably effect all that every one is longing to effect, that is to say, the complete disconnection in appearance, as well as in reality, in the eyes of the reasonable part of the public, of Government and this temple. This is no more than to place the settlement of 1845 in account, in practice, and in legal status, upon its true footing. The view taken is this, that the Juggernaut assignments differ in no way from an ordinary valid rent-free tenure, and no other such tenures are ever included at all in the Government rent-roll, because, in fact, they form no part of the Government revenue. This rent is the private property of the temple, and its entry as an item of Government revenue is a false entry, requiring correction by another false entry as a public charge. If the amount was a donation, these would be true entries; as it is not donation, they are false entries, and quite contrary

* Secretary Government of India to Secretary Government of Bengal, 20th December 1845. Proprs. p. 31. Same to same, 6th September 1845, p. 21.

contrary to practice. Seeing the matter thus treated in account, it is not surprising that the public, and even the officers of Government, misunderstood it, and look upon it as a charge voluntarily incurred. The amount of the assignments, 18,045 rupees, might be struck out of the Government rent-roll. When this is done, the amount will become in appearance what it is in reality, not an asset of Government, but an asset as much beyond the power of Government to touch as any other private property. Once placed out of the power of Government, it will matter little what arrangement is made for its realisation by its owner. Possibly settlements made of the pergunnah and lands on which the assignments are specifically drawn may render it impossible, whilst these settlements continue to make the assignments payable by the Malguzaur of these particular lands. But an obvious arrangement is to make the assignments payable to the Rajah of Khoordah, as superintendent, out of his own private estate, for so long, and so long only, as he shall continue superintendent. This restriction will remove any objection on his part, such as he made when it was proposed to grant the revenue of his estate to the temple. His objection, not quite unreasonable, was, that in that case, if he ceased to be superintendent, he would cease to hold his private estate of Government as a Sudder Malgoozai. He probably will always remain superintendent, but if he is removed, it will be easy to make another arrangement when the occasion requires it.

If this be done, and the Honourable Court's present despatch appears to give ample authority for the measure, the assignments will be precisely like the 10,000 other Lackiraj grants for religious and charitable purposes existing, unobjected to and unobjectionably, in this Presidency, as having been made by or by authority of preceding Governments, and having been respected, as all private property is respected, by the British Government. The circumstance of our having, some three or four years after we conquered the province, assumed possession of the assignments as trustees for the temple, duly accounting for them in the annual donation, in no way affects the nature of the property or the title of the temple.

There remains only the compensation for sayar duties abolished, 5,276 rupees. This is absolutely the same with the mass of compensation for sayar duties abolished, amounting to 86,786 rupees a year,* granted according to law to every person or corporate body in the actual and lawful enjoyment of such funds when we abolished them by law, on the ground of their being impolitic cesses.† They were as much private property as the right to levy ferry tolls, or even house or land rent, and could not have been taken from the owners without compensation, except by process of open spoliation. In ordinary course this payment should appear as a mere item of the "compensation for sayar duties abolished," in the great head of account so designated, like all the many other items of precisely the same nature forming the aggregate charge under that head. What the recipients do with their money is no concern of Government, and Government knows nothing about it.

At present the whole allowance paid to the temple is entered on a charge against the sayar revenues. This is quite incorrect, the last-mentioned small sum being all that should properly appear as a charge against the sayar revenues: the rest, if charged at all, could only be reasonably charged against the land revenue.

When this is done, it seems to the secretary that the last trace of any apparent connexion with or favour shown to Juggernath will be effaced; and that the settlement of 1845 will stand truly before the world as what its authors intended and believed it to be, namely, the final and absolute disconnexion of Government with the Temple of Juggernath.

(signed) *J. P. Grant.*

19 November 1852.

* This is what is paid in money; compensation was mostly given by a reduction of jumma, which portion of it does not appear in the accounts.

† Regulation 27 of 1793, for Bengal, &c., where the actual abolition was effected in 1790.

To the Most Noble the Marquis of *Dalhousie*, Governor-General of India, and Governor of the Presidency of Fort William, &c.

May it please your Excellency,

THE undersigned members of the Orissa Baptist Mission, assembled in their annual conference, beg leave, with all becoming humility and respect, to present this petition to your Excellency.

Your petitioners, believing that the government of the Honourable the East India Company is a great blessing to India, and earnestly desiring its perpetuity, have ever conscientiously abstained from all political agitation and discussion in opposition thereto, but, in their humble sphere of influence, have sought to correct popular errors with respect to it. They are not, nevertheless, insensible to certain needed reforms, among which they especially solicit the attention of your Excellency to the connexion which subsists between the Government and the shrine of Juggernath.

Your petitioners are connected with a mission which, for thirty years, has, with a fair measure of success, endeavoured to spread the light of Christian knowledge in this dark region, and during this period have been constrained to witness the obscene abominations and wide-spread desolating influences of this celebrated emporium of idolatry. They will not intrude upon the notice of your Excellency the revolting details which have come under their observation; but they do consider themselves, in consequence of their position in this province, especially called upon to leave no means untried in order to effect a severance of the connexion between Government and the idol Juggernath—a connexion which some of your petitioners have, with burning cheek, heard urged by a late President of the United States as a fair offset to American slavery. Thus it is that not only does Government patronage of idolatry spread immorality, misery, and death far and wide in India, but tends to deepen the degradation, and rivet the chains of suffering humanity to the end of the earth.

Your petitioners are informed that measures are about to be submitted to your Excellency which will in another form still perpetuate Government connexion with Juggernath, and thus fail to meet the pledge given in Parliament and elsewhere, that Government connexion with the idol shall entirely and for ever cease. Your petitioners, therefore, beg permission to remind your Excellency, that three years ago the draft of an Act on this subject was published, just alike to the reasonable expectations of the Christian world and to all parties interested in the idol and its shrine, and they fervently entreat your Excellency to pass that Act in its integrity, and with all practicable dispatch.

Your petitioners beg permission further to submit, that this is not the only instance in which Government really and gratuitously patronises idolatry in Orissa. From the Collector's office at Cuttack, under the head of Territorial Pensions, a long list of monthly payments issue for the support of various petty temples, and their attendants: while in some parts of the province women of ill-fame are mixed up with idol temples, and receive their support from Government. Your petitioners earnestly deprecate such partiality towards "abominable idolatries," and implore your Excellency not to listen to counsel which would in any measure compromise the really pledged honour of Government to rule its subjects of multitudinous creed with neutrality and impartiality.

Finally, your petitioners respectfully submit that the exertion of your exalted influence and authority to wipe out this foul blot upon our country and upon Christianity, and in thus contributing to the diffusion of more enlightened views among the ignorant and superstitious devotees of Juggernath, will be no unworthy addition to the honours which surround your brow, and afford no ungrateful topic for reflection when in the repose of your beloved native land, and you review your administration in far distant India.

Hoping that your Excellency will graciously listen to our petition, your petitioners will, as they ever have done, fervently pray for the perpetuity and prosperity of British connexion with India.

Signed in behalf of the Orissa Mission Conference,

(signed) *J. Stubbins*, Chairman.

A. Sutton, Secretary.

Cuttack, 5 December 1853.

MINUTE by the Most Noble the Governor-General.

Temple of Juggernath.

1. In a Minute, dated 11th April 1851, on the "withdrawal of the grant to the Temple of Juggernath," I recorded my opinion that that grant ought to be withdrawn without delay.

Para. 5.

After a recital of the several measures of the Government, by which aid had been in various instances given to the Temple, and taken away from it, it was stated, "There remains now only the money grant: I am most strongly of opinion that that grant should now be withdrawn."

Para. 7.

"I think that we should make no further grants to Juggernath; that we should leave to the shrine the lands of which it is possessed; that we should abstain from all interference, directly or indirectly, with its offerings or fees; and should thus dissolve, wholly and for ever, all connexion between the British Government and this chief engine of a hideous superstition."

No. 7, of 1852,
5 May.

2. An Act was prepared for this purpose; but, with reference to the peculiarity of the subject, on which it was proposed to legislate, the draft was previously submitted, by way of precaution, to the Court of Directors.

Para. 2.

3. The Honourable Court, in its reply, deprecated any legislation upon the subject: it reiterated the wish it had previously expressed, "finally to dis sever the British Government from all connexion with the Temple." To this end, the Honourable Court authorised the Government of India "to make arrangements for the accomplishment of this object by the discontinuance of any periodical allowance to it (the temple), in lieu of which, some final payment may be made, in the way of compensation, to any parties who may appear, upon a liberal construction of past engagements or understandings, to be entitled to such indemnification."

Para. 3.

4. The instructions of the Honourable Court occasioned me much perplexity. In 1851 I had declared my opinion to be, that it was "greatly to be lamented that any considerations of policy should have induced the Government of the day to identify itself so far with native religious institutions;" that it was "even more to be regretted that the connexion was not entirely dissolved when it was partially severed some years ago;" and that "no considerations, either of established practice or of supposed policy, should induce us to prolong the present system for a moment longer."

Para. 4.

But the instructions of the Honourable Court appeared to me to compel the Governor-general in Council to do the very reverse of all this. Regarding the periodical disbursement to the Temple as a free grant, I conceived that to make a final payment to it, by way of compensation, would be not to sever the connexion, but to perpetuate it. To execute the orders of the Court would be not to withdraw support from Juggernath, but permanently to endow it. It seemed to me that a severance of the Government of India from the idolatrous institution at Pooree, by means of a final payment of money as compensation for an annual grant, would be as though Her Majesty's Government, announcing an intention to dissolve all connexion with Maynooth, should propose to Parliament to discontinue the annual allowance of 30,000 £., making at the same time, by way of compensation, a grant to the college of a million sterling in the Three per Cents.

5. Entertaining very strongly the sentiments upon this question of public principle which I have quoted above, I felt that personally I could not consent to execute the orders which the Court had enjoined, and that if they were insisted upon, it would be necessary for me to retire from the office, which I have the honour to hold. Before recording a resolution to that effect, I thought it right to re-examine carefully the whole question; and I solicited Mr. Secretary Grant to analyse closely and accurately the voluminous proceedings of the several administrations upon this long controverted question. The clear and able paper he has prepared is annexed to this minute. It has been for a considerable time in my hands; and the discussion of it has been postponed only because other matters of more immediate importance have occupied every hour of my time.

6. An anxious examination of the question, aided by the note of the Secretary, has convinced me that when I perused the Minute I have quoted, and up to the present time, I have been under an erroneous impression as to the nature of the

the periodical payment which has been made to the Temple by the Government since the year 1845. My mind has been satisfied by the papers that the disbursement in question is not of the nature of a "grant" or "donation," as I believed it to be, but of the nature of a "compensation" made to the Temple for property which belonged to it, but which has passed into the hands of the Government, and is now enjoyed by it.

7. The distinction is of cardinal importance. On a former occasion I declared that "it is in my opinion the duty of this Government, as well in its older provinces, as in those of which it may take possession, to grant entire toleration to every religious body, and to enforce the observance of mutual toleration among the many various sects which, after their own fashion, worship under our sovereignty."

"It is a wise and just policy to continue generally to all religious institutions in a new province the endowments they may have lawfully received from former rulers. We have no better right to resume such endowment grants, than to confiscate the property gifted by the State to private parties."

To these principles I entirely adhere. I have acted upon them in the government of the new provinces which have passed into our hands during my time, and I desire to apply them, and to be governed by them, in deciding the question regarding the Temple of Juggurnath, which has arisen out of our former conquest of the province of Orissa.

8. The periodical payment now made to the Temple by the Government of India amounts to the sum of 23,321 rupees. Is that sum a donation by the Government to the Temple, or is it a compensation to the Temple for revenues and rights of which the Government has long since deprived it?

In the former case it would, in my judgment, be the imperative duty of the Government to discontinue the payment wholly and at once, and without compensation. In the latter case it would equally be the duty of the Government to continue it, or to make over a full equivalent for it, as the Honourable Court has enjoined.

9. I think that a careful study of the history of the Temple in its relations with the Government of India will convince others, as it has convinced me, that the latter is the true state of the case; that the payment of 23,321 rupees is a compensation; and that as such it should be continued periodically, or should be replaced by an equivalent in some other, and preferable form.

10. The note of the secretary, read with the minutes and documents to which it furnishes reference, supplies in full detail the history of our relations with the Temple. It may be convenient to set down a concise summary of their progress and present state.

11. In 1803 the province of Orissa was conquered, and the Temple of Juggurnath passed under the authority of the British Government. The Temple at that time derived its income from various sources; from lands in its actual possession, from assignments on the public revenue, from local taxation which it was authorised to impose, and from an annual donation of money made by the Mahratta government, which reimbursed itself by a tax collected from the pilgrims who resorted to the Temple.

At first no definite arrangement was made with the Temple by the British Government; but, putting itself in the place of the Mahratta dynasty which preceded it, the Government paid annually the donation necessary to make good the aggregate expenditure of the Temple. This annual donation amounted to about 36,000 rupees.

In 1805 the Government abolished the sayer duties in Cuttack, compensating all parties who had acquired the right to collect such duties for the loss occasioned to them by the abolition. The Temple of Juggurnath possessed a right to collect certain sayer duties. Accordingly, an annual sum in compensation for its loss became thenceforth due to the institution from the Government.

In 1806, the Government passed a law imposing a tax upon pilgrims to the Temple, which Government collected for its own reimbursement, as had been done by the Mahrattas.

Mr. Mills' Report,
15 May 1845,
p. 5, &c.

By the year 1809, the lands belonging to the Temple, and the assignments it held on the revenues of certain districts, had all passed into the hands of Government. Thenceforth the Government of India, having possessed itself of the whole endowments of the Temple, continued to pay from the Treasury the whole expenses of the Temple.

Mr. Millett,
15 May 1845.
From Court of
Directors, 18 Dec.
1844.

These expenses amounted to from 56,000 to 60,000 rupees. The Government at the same time reimbursed itself by the annual collection of the pilgrim tax.

12. In this condition matters remained till the year 1840. By that time the views of public men on questions connected with the religious institutions of India differed widely from those which were entertained at the period of the conquest of Orissa. A great change had come over the public mind.

Act X., 1840.

Accordingly, in the year 1840 the tax upon pilgrims, resorting not to Juggurnath only, but to the several shrines in this presidency, was abolished, and the law under which it had been collected was repealed. This was the first step towards a dissolution of the last connexion between the Government and the Temple of Juggurnath.

13. In 1843, it was suggested that the Sattaees Hazaree Mehal, being the landed property which belonged to the Temple at the period of the conquest of Orissa, and which had come into the occupation of the Government previously to 1809, should be restored to the Rajah of Khoorda, who had long since been appointed the superintendent of the Temple.

From Government
of India, 4 Nov.
1843.

This was done. The annual payment reduced by the restoration of the Sattaees Hazaree Mehal amounted thenceforth to 35,758 rupees. The Honourable Court* expressed an opinion that it would be desirable to commute "the remainder of the allowance in the same manner, by restoring any other lands of equal value which may formerly have belonged to the Temple."

From Government
of India, 7 Jan.
1846, and En-
closures.

14. In obedience to these instructions of the Honourable Court, the Government of India pursued the investigation into the former resources of the Temple further than they had ever before been carried. The result was to show that the Temple, at the period of the British conquest of Orissa, had not possessed any other lands than the Sattaees Hazara Mehal, which had already been restored to its superintendent. But it was established that the Temple had possessed at the period of the conquest other property and rights besides its lands.

From Government
of India, 6 Sept.
1845.

These consisted of—

1st. Assignments on certain pergunnahs brought upon the	Rs.
Government rent-roll about the year 1807	17,177
2d. Assignments on certain rent-free lands	330
3d. Assignments on certain killahs	538

Total of Assignments of Revenue - Rs. 18,045

4th. Compensation for sayar duties enjoyed by the Temple - 5,276

Total Revenue of the Temple from its own property in the hands of the Government, exclusive of its landed property restored to it - Rs. 23,321

15. The Temple of Juggurnath had, and still has, as clear a right to the above-mentioned property in assignments on the public revenue of which we find it possessed in 1803, as any proprietor to the lands he owned. Good faith and good policy unite in imposing upon the Government of India the obligation respecting that right of property in perpetuity, as it has done in other cases of conquest.

The right of property in the sayar duties is, if possible, still stronger. We found the Temple in possession of that right; and in abolishing the right generally, we secured compensation for it to all holders of it; the institution of the Temple of Juggurnath of course included.

To

* Court of Directors, No. 25, 1844, 18th December. From Secretary Government of India, 18th September 1845.

To the proceeds of these two established properties the Temple has had in justice at all times an indefeasible right. The excess of the annual payment made beyond those proceeds was a free gift from the Treasury, to which the Government of that day, as the present Government, did not consider the State to have bound itself by any pledge. Accordingly the Government of India in 1845 directed that the entire sum of 35,758 rupees should no longer be paid to the Temple of Juggurnath; that the sum of 23,321 rupees, being the proceeds of the actual property of the Temple in assignments on revenue and compensation for sayer duties, should be continued; but that the balance of 12,437 rupees, being a free donation from the Government, should be discontinued.

Government of
India, 6 Sept. 1845.

These directions were carried into effect. The sum of 12,437 rupees was discontinued; the sum of 23,321 rupees only has annually been paid since that time, and the administration of 1845 considered that it had practically terminated all connexion with the Temple of Juggurnath.

16. I conceive that if this brief and imperfect summary shall be tested by reference to and close examination of the relative papers annexed, it will be found to be substantially correct. It will be seen that confusion has arisen from the employment, incorrectly, both in many of the documents, and in the draft Act, of the words "grant" and "donation," which were calculated to mislead others, as I freely confess they have hitherto misled me, into a belief that the present annual payment was a voluntary donation by the State. Lastly, I apprehend it will be clearly perceived that the annual sum actually paid is no more than an exact equivalent for the assignments belonging to the Temple, which the Government has long since brought upon its rent-roll, and for the sayer compensation which the Government is bound by law to pay.

17. The Court of Directors is of opinion that all connexion between the Government of India and the Temple of Juggurnath should be dissolved, even in appearance, as it has been in substance since 1845; and that a final payment should be made for that purpose.

It appears to me that the mode of effecting this total severance, proposed by the secretary, is simple and effectual.

The Government collects annually certain revenues on which the Temple holds assignments, and it pays them accordingly to the Rajah of Khoorda, the superintendent of the Temple. The Rajah himself pays revenue from his estate to the Government. I would propose that lands held by the Rajah should be exempted from the Government demand to the extent of 23,321 rupees of revenue per annum, for so long as the Rajah shall continue to be the superintendent of the Temple. A sunnud should be granted to the Rajah, specifying that the revenues of the lands thus made rent-free are made over to the Temple, so long as his family retain the superintendency, in lieu of assignments to the amount of 18,045 rupees, and of compensation for sayer duties 5,276 rupees, formerly belonging to the Temple.

This entry should be made upon the books of the collectorate, and upon the records of Government, so that the transaction can never be lost sight of.

The Rajah of Khoorda cannot object, as on a former occasion, to this arrangement, because his interests are carefully protected, in the event of his ceasing to be the superintendent of the Temple. It is not now likely that the family of the Rajah will ever cease to be superintendents of the Temple; if they should, another arrangement may readily be made when the time comes. For this purpose I apprehend no legislative enactment will be requisite, and the present draft Act may be finally dropped, as the Court desires. Upon this point Mr. Peacock will advise us.

18. If this proposal should be adopted by my honourable colleagues, I conceive that the orders of the Honourable Court will have been fulfilled, and the general wish of the community accomplished.

The Government of India will have restored to the Temple of Juggurnath every item of property of which it found it possessed when the conquest of Orissa was effected; and thus perfect good faith will have been observed. The Government will have withdrawn every farthing of donation, which, directly or indirectly, it has at any time bestowed upon the Temple. It has long since

abandoned the tax, by which it derived 95,000 rupees a year from the pilgrims to Juggurnath, relieving to that extent the votaries of the shrine, and observing religious toleration to its fullest extent.

The very name of the institution will disappear from the annual charges of the public treasury, and henceforth all connexion between the Government of India and the Temple of Juggurnath will be severed, not in name only, but in deed and in truth.

8 June 1853.

(signed) *Dalhousie.*

MINUTE by the Honourable *J. Lewis.*

Juggernaut.

I have carefully considered Mr. Grant's note, but have not been driven by it from the opinion which I formed when the subject was originally examined by me.

The argument is good, if there be not a fallacy at the bottom of it; but I conceive that there is a fallacy, and it lies in this: that Mr. Grant bestows upon kunjahs, punwas, or other mere assignments of revenue, the force and validity which belong to grants under sunnud, and to them alone. The assignment of the revenues (mal or sayar) of particular tracts or places in payment of Government establishments, was by no means an uncommon expedient among native governors; it threw the trouble and responsibility of collecting the taxes upon the department receiving the assignment, and lessened the pressure upon the actual cash in the Treasury, but these assignments were not intended to be perpetual. Intrinsically, they bore the same relation to the sunnud that the Treasury order of our day for the payment of the cathedral establishment does to the deed of conveyance which vests in the trustees their right to the land upon which the cathedral stands. I conceive that if the Government were to dis sever Church and State, and withdraw its support from the establishment, that the payments from the Treasury would stop, but that the ground would remain with it for ever; and I think that no argument could be drawn from this last circumstance to enforce the continued payment of the establishment from the Treasury, and that Government would not virtually annul its dis severance from the Church on any such grounds.

With this view of the case the question stands precisely where it did; and thus viewing it, I regret that I cannot concur in the conclusions arrived at by the Most Noble the Governor-general, in his Lordship's Minute, dated the 8th June last.

30 November 1853.

(signed) *J. Lewis.*

MINUTE by the Honourable *J. A. Dorin.*

Temple of Juggernaut.

THESE papers have only just come to me, and have been so long detained, that I am unwilling to delay them any further.

Nor is it necessary, for the subject has been exhausted.

It is clear that the payment made by the Government of India to the Temple at Juggernaut is not of the nature of a voluntary grant or donation, but a compensation for and recognition of rights possessed on the acquisition of the province, and never since alienated.

A question indeed has been suggested, whether these rights were held in perpetuity or only as temporary assignments on the revenue: but it is too late to originate doubts on this head now, after the title has been tacitly admitted for nearly half a century.

It has been the wise and just policy of this Government to recognise all valid endowments for religious or other purposes on the acquisition of new territory, but

but they have attracted no special attention, because they have not appeared on the public accounts.

In like manner I would strike the present proprietary rights of the Temple off the State rent-roll, and so entirely disconnect the institution from the Government.

2 December 1853.

(signed)

J. A. Dorin,

MINUTE by Colonel the Honourable J. Low.

I HAVE read these papers, and others circulated along with them on the same subject, with great attention. Temple of Juggernaut.

I do not think it was usual, as is supposed, by Mr. Governor-General's Minute, dated 8 June 1853. Mr. Lewis' Minute, dated 30 November 1853. Mr. Dorin's Minute, dated 2 December 1853. Note by Mr. Secretary Grant, dated 19 November 1852, and other papers. systematic difference between the duration of ordinary assignments of revenues for the support of temples, and more formal sunnuds for similar purposes; and at all events, I consider that it would be unbecoming the character and position of the British Indian Government to question the validity of the endowment for the support of the Temple of Juggernaut, after (as Mr. Dorin observes) "the title has been tacitly admitted for nearly half a century."

The whole subject which now requires consideration is clearly expressed in the 8th and 9th paras. of the Governor-General's Minute, dated the 8th of June last; and I feel quite convinced, from the perusal of all the papers, that his Lordship is correct in stating, that the so-called grant is not a donation to the Temple, but merely "a compensation for the revenues of which the British Government has long since deprived it."

It is therefore quite clear to my mind, that as we cannot honestly keep that money to ourselves, we must adopt one of the following three measures, viz.

1st. We might give some such large sum of money as would be considered by the managers of the Temple to be equivalent to the present annual payment.

2d. We might continue the annual payment as heretofore.

3d. We might cease to draw that amount of revenue produced by the land, by making the assignment in question payable to the Rajah of Khoerda, so long as he shall continue superintendent of the Temple, and by settling, by a formal resolution of Government, that in like manner those assignments shall be payable in future, to such persons as may be appointed by the Hindoo community to be superintendents of the Temple.

The last-mentioned measure is, in my opinion, beyond all comparison the most advisable of the three above described; and by having the assignment "struck out of the Government rent-roll," as suggested by Mr. Grant, that sum of money "will become in appearance what it is in reality, not an asset of Government, but an asset as much beyond the power of Government to touch, as any other private property;" and thus the Government will accomplish all that is desired by the Honourable Court of Directors, as connected with the erroneous notion still existing among uninformed persons, that the East India Company gives improper and gratuitous pecuniary support to the Temple of Juggernaut.

7 December 1853.

(signed) J. Low

MINUTE by the Honourable F. J. Halliday

THESE papers have come to me in the course of circulation, although there is not any need of my opinion on them, and I am not disposed unnecessarily to prolong the discussion of the important question to which they relate. Juggernaut.

I content myself therefore with stating that I have been for years familiar with the case of Juggernath, and have long been of the opinion recorded by the Most Noble the Governor-General, that what we have been paying since the settlement of 1845 has been compensation for a lawful right, and not a donation. I have always felt an objection to the legislation proposed in the discussion subsequent to 1850, which I hold to be unnecessary, and I entirely assent to the manner of arranging the compensation in future which has been approved by the Governor-General:

(signed) *F. J. Halliday.*

15 December 1853.

MINUTE by the Honourable *B. Peacock.*

Juggernath.

1. This subject has been so fully discussed, that it is unnecessary for me to add anything with reference to the nature of the payments which have been made by Government since 1845.

2. But upon a question of this nature I feel it right to record my opinion.

3. It appears to me to be perfectly clear that the annual payment of 23,321 rupees, which has been made by Government since 1845, is not a voluntary donation, but a compensation assessed upon the principle of placing the Temple as nearly as possible on the same footing as we found it on the acquisition of the province.

See the letter of Mr. Secretary Bushby, 6th September 1845, Proprietors' Papers 21; and the letter from the Government of India, 7th January 1846, id. p. 2.

4. I think the Temple was justly entitled to receive compensation.

At the time of the conquest of Orissa the Temple was in possession of certain sayer duties, and also of certain kanjahs, or assignments.

5. The sayer duties were abolished in 1805, upon the terms that adequate compensation should be made to all persons who derived advantages therefrom under competent authority, or in consequence of established usage.

(Regulation 12, 1805, s. 31.)

6. The kanjahs, or assignments, were included in the jumma of the district and then appropriated by Government.

7. So long as Government continued the management of the Temple, and defrayed the expenses of its support, it was unnecessary to make compensation in respect of the above-mentioned sources of revenue. But when they ceased to have any connexion with the Temple, they were bound in justice either place the revenues of the Temple on the same footing as they were when they took possession of them, or to make compensation.

8. The same argument which would justify the Government in withholding such compensation, would have justified them in confiscating the endowments of the Temple upon their acquisition of the province, and would justify them resuming possession of the Satarees Hazaree estate, and, in short, inam for religious purposes, which they found in existence upon the acquisition of any part of the British territories in India.

9. The right to compensation is admitted by the memorial which accompanies these papers. The memorialists state that the only question which remains for decision is the simple matter of account, and upon this point they refer to a pamphlet which accompanies the memorial. They say that the Temple has been over-paid since 1840, and they would appropriate the excess in discharge of compensation. But I am of opinion that this is not a fair way of dealing with the case. From the year 1840 to 1845 the amount was paid as a donation, which the Government of the day considered ought to be continued; and I think

it would have been unbecoming for the Government in fixing the amount of compensation in 1845 to have deducted anything which previous to that time had been paid as a donation, still more so would it be for the Government now to open the settlement of 1845 for the purpose of taking credit for any such amount.

10. The Honourable Court of Directors, by their despatch of the 5th May 1852, authorise the Governor-General in Council to make a final payment in the way of compensation to any parties who may appear, upon a liberal construction of past engagements or understandings, to be entitled to such indemnification. It therefore seems to be necessary only to examine whether, in assessing the compensation in 1845, any mistake occurred which, though late, the Government may be justified in correcting.

11. I have examined all the papers before me with this view, and find no reason for opening the account or reducing the amount which was fixed in 1845.

12. The memorialists state, p. 16 of their pamphlet: "Mr. Webb's report contained a detailed specification of every particular item of income during a period of six years; it was approved by Lord Wellesley, and became the basis upon which the expenses of the Temple were calculated by Government for 30 years. Most unaccountably the compensation was based upon the rejected statement of Mr. Græme, while Mr. Webb's corrected report was ignored in it *in toto*."

13. This is not so. Mr. Mills appears to have carefully examined both the reports, Mr. Webb's as well as Mr. Græme's, and in his letter of the 15th May 1845 gives the result of the comparison.

See p. 5, Proprietors' Papers.

See also p. 30, para. 10, of Mr. Garrett's letter.

Not having the two reports before me, I am unable to compare them, and I would suggest that copies of both reports should be called for, though I have no doubt that the conclusions drawn by Mr. Mills are correct.

14. The principle items upon which the question depends are the 3d and 5th.

15. The 3d is 17,177 rupees for kanjahs, &c.

See Proprietors' Papers, 22 id. p. 5.

Mr. Mills, in his report, says: "I am of opinion that no doubt can now be entertained that all these kanjahs have been brought on the rent-roll of the district."

Id. p. 5, para. 3, item 3.

16. The Government had the same means in 1845 as they have now for ascertaining the fact, and I see no reason to think that Mr. Mills came to an erroneous conclusion.

17. No. 5 consists of sayer duties, &c. The amount of the sayer duties and of the deductions seems to have been fixed after referring to all the documents in the possession of Government; and although the amount of deduction on account of dhaja pandika is less than the average amount given in Mr. Webb's report, it seems to be satisfactorily accounted for.

See Mr. Mills' letter, 10th November 1845, ps. 4, 5, 6, Proprietors' Papers, p. 24.

Mr. Garrett's letter, 7th November 1845, ps. 7, 8, 9, Proprietors' Papers, 28.

Mr. Bushby's letter, 20th December 1845, id. p. 31.

18. It is stated in the pamphlet, p. 15, that the endowments enumerated by Mr. Græme, were said to have yielded 47,877 sicca rupees, but that, in assessing the compensation, they are treated as Company's rupees, by which the Temple received 1,100 rupees less than its just due. This is clearly no ground for reducing the compensation granted.

19. The memorialists, at p. 13 of the pamphlet, make the following statement: "In Mr. Græme's account, pergunnah Kedhur is reckoned at 5,000 rupees. Years ago, the Government resumed this estate, and pays to the Temple separately 3,466 rupees for a bhoj, for which it was given. But the item was not deducted from Mr. Græme's statement when the compensation was made, and thus the Temple receives the proceeds of that estate twice over; at least so it appears to us, comparing p. 5 of the Proprietors' Papers with p. 22."

20. This is a mistake on the part of the memorialists. Pergunnah Kodhur was included by Mr. Græme as part of the Sattaes Hazaree Mehal (Proprietors' Papers, p. 10), and the 5,000 rupees at which it was estimated formed part of the *Khour*. 47,393. 13., or Rs. 11,848. 8. jumma of the 11 mouzahs.

See Proprietors' Papers, p. 10.

Mr. Mills' letter, 15th May 1845, p. 5, Proprietors' Papers.

21. The pergunnah, however, did not belong to the Temple, and has been adjudged liable to assessment, subject to the payment of 3,466 for the expenses of a private bhoge.

See Mr. Mills' letter, 15th May 1845, p. 5, Proprietors' Papers, p. 5.

Collector's letter, 10th May 1845, para. 14, Proprietors' Papers, p. 9.

22. No compensation was awarded to the Temple in respect of the estate; it formed one of the 11 mouzahs, which constitute the first item of the settlement, but that item is carried out "nil."

Proprietors' Papers, 22.

23. I cannot agree with my late honourable colleague, Mr. Lewis, in thinking that the kanjahs or assignments were not intended to be perpetual.

24. They have always hitherto been treated as part of the revenues or endowments of the Temple.

25. The memorialists admit, at p. 14 and 15 of the pamphlet referred to, that the income derived from them was of the nature of a land endowment, and was entitled to compensation when drawn into the English treasury.

26. The memorialists also contend that the Government, having by its remission of the pilgrim tax secured the Temple's interests for the future, is free to withdraw its donation. This would be true if the payment were a donation. But admitting that the interests of the Temple have been indirectly promoted by the repeal of the pilgrim tax, and the consequent increase in the numbers resorting to the Temple, I think such indirect and uncertain benefit is not a sufficient ground for withdrawing the compensation ascertained to be justly due to the Temple.

27. If the Government had left the ancient revenues of the Temple in its possession, or restored them together with the Sattaes Hazaree estate, no one, I think, could have contended that the indirect benefit derived from the repeal of the pilgrim tax would have justified the Government in resuming those sources of revenue; and if not, I see no greater reason for withholding the compensation for the revenues not restored, than for resuming the Sattaes Hazaree estate which has been restored. But after all, the alleged benefit derived by the Temple from the repeal of the pilgrim tax is rather matter of surmise than an ascertained fact, and there appears to be no means for correctly ascertaining the fact.

See letter Secretary to Board of Revenue, 17th December 1850, and the documents accompanying it, especially the minute of Mr. Ricketts.

I would not repeal any part of Act X. of 1840, for the reasons assigned by the Collector in his letter of the 7th November 1845, p. 5; Proprietors' Papers, p. 29; and by Mr. Millett in his minute 17th June, 1846, *id.* p. 32.

28. In principle it is quite immaterial whether the compensation is made by annual payments, or by a sum of money in gross, or by a conveyance of land of equal value; but considering that the real grounds upon which the annual pay-
ments

ments are made are not properly understood by those who have not thoroughly studied the subject, I fully concur in the opinion expressed by the Honourable Court of Directors, that it is desirable finally to dis sever all connexion with the Temple.

29. The question is, How is this desirable object to be best attained? The Honourable Court of Directors authorise a final payment to be made.

30. The Most Noble the Governor-General proposes that the lands held by the Rajah of Khoonda should be exempted from the Government demand to the extent of 23,321 rupees per annum, for so long as the rajah shall continue to be the superintendent of the Temple.

31. It appears to me, however, that even if the rajah would consent to such an arrangement, there would be considerable difficulty in carrying it into effect. It appears that the rajah has been excluded from the management of his estates, and that the Government collect the revenues thereof, and pay him 10 per cent. malikanah on the actual collections.

See letter from the Secretary of the Board of Revenue, Parliamentary Papers, p. 70, para. 2.

Letter from Mr. Mills, 2d April 1842, p. 5, *id.* p. 71.

Letter from Mr. Wilkinson, 20th October 1837, p. 72.

32. If such is the case, I do not see how the arrangement proposed by the Most noble the Governor-General can be carried into effect."

33. If in addition to the 10 per cent. malikanah, an annual allowance out of the collections equal to the amount now paid as compensation be made to the rajah, it must be entered in the Government books, and the payment will be open to the same objections as those which exist to the annual payments now made.

34. If, an assignment be made to the rajah, as superintendent of the Temple, of the part of the revenues derived from his estates, it will be open to all the objections which exist to the assignment of lands, but it will not have the advantage of being a final arrangement, as the rajah would not consent to such assignment beyond the period during which he continues to be superintendent; and if for any cause it should be deemed necessary to remove him from the superintendence of the Temple, which from the character given of him does not appear to be a very improbable event, a new arrangement would be necessary, and differences of opinion may arise; whereas the object of the Honourable Court of Directors is to sever the connexion for ever.

35. I cannot suggest any course by which a final arrangement can be made, except by the payment of a sum of money in gross, or the conveyance of lands or revenue of equal value.

I think a settlement by the transfer of land would be more advisable than by the payment of a sum of money. The latter might be misappropriated, but the former would be secure; and I think that the same justice which requires the Government to make compensation, requires them to make it as secure as the revenue in lieu of which it is made.

36. It seems that there were, and probably are, estates in the neighbourhood of the Temple which the rajah would be willing to accept in lieu of the compensation now paid.

See letter of the Collector; Proprietors' Papers, p. 8.

37. If these estates could be purchased by Government, or obtained in exchange for other estates of the Government in Nowcolly, and transferred in lieu and satisfaction of the compensation now paid, I think it would be the most advisable course.

See Mr. Mills' letter; Proprietors' Papers, p. 6, para. 9.

The transfer might be made to respectable Hindoos as trustees; or, having been previously settled and pottahs granted to protect the ryots, it might be made over to the rajah in the same manner as the Sataees Hazaree estate.

38. The grant should recite all the facts necessary to show that the conveyance was not a voluntary endowment of the Temple, but a mode of making compensation for the sayer duties formerly belonging to the Temple, and the kanjahs which have been appropriated by the Government.

39. I am inclined to think that such an arrangement could be safely made with the rajah, without the necessity of legislation; for by Act X. of 1840 the conduct and management of the affairs of the Temple are vested in the rajah, which I am disposed to think would authorise him to arrange with the Government in respect of the compensation. But even if Act X. of 1840 does not give the rajah sufficient power to make an arrangement respecting compensation, there would be no danger in making the arrangement, for the lands must always be forthcoming, and an Act could at any time be passed, if necessary, to confirm the arrangement. Whereas, if the arrangement be made by the payment of a sum of money, it might be misappropriated, and there would be strong objections to confirming an arrangement after the money had been paid to a wrong person and misappropriated.

40. The Honourable Court of Directors are of opinion that it is desirable, if possible, to avoid legislation. They sanction a final payment, but probably this may not be sufficient to authorise a conveyance of land, especially as they must have had before them the note of the Board of Revenue objecting to this mode of arrangement.

Proprietors' Papers, p. 3.

41. It should be observed, however, that at the time the Board expressed that opinion, they considered the payment as a donation, and not in the light of compensation, and that the Honourable Court of Directors may have been influenced in deciding upon a payment by the letter from the Government of India, dated 7th January 1846, page 2, Proprietors' Papers, in which they say: "Mr. Mills proposed to purchase lands equal to those assignments for the purpose of making them over to the Temple, but it was found that there would be considerable difficulty in acting upon this suggestion." The same difficulties may still exist, but the fact may be easily ascertained if the above suggestion be approved by the Most noble the Governor-General and my honourable colleagues.

42. I therefore submit the above remarks for their consideration, and I would remark that in opposition to the opinion of the Board of Revenue, there were several opinions in favour of effecting an adjustment by a transfer of land.

See Minute by the Honourable W. W. Bird, 15th April 1844, para. 8, Parliamentary Papers, 92; also Minute 4th July 1844, last para. *id.* p. 100. Minute by the Honourable F. Millett, 3d July 1844, last para. *id.* p. 100.

Letter from Secretary to Government of Bengal, 11th March 1844, *id.* p. 80, para. 24.

Letter from Mr. Mills, Proprietors' Papers, p. 6, para. 9.

43. If the Honourable the President in Council, and my honourable colleagues, see no objection, I think it would be advisable to call for the reports of Mr. Græme and Mr. Webb, and also to ascertain for certain, by reference to the Collector, whether the Rajah of Khoorda has been restored to any part of his estates, or whether the Government still collect them, and allow him 10 per cent. malikanah; for if this be so, I think the Most noble the Governor-general should have his attention particularly called to the fact.

12 January 1854.

(signed) *B. Peacock.*

MINUTE by the Honourable *B. Peacock.*

Juggernaut.

BEFORE I wrote my Minute of the 12th January 1854, I fully considered the documents which were then before Government, for the purpose of ascertaining whether any mistake had been made in 1845, when the amount of compensation to be paid by Government to the Temple was fixed.

At that time I saw no reason for opening the accounts, or reducing the amount of compensation which had been fixed in 1845.

I have now examined the reports of Mr. Græme and of Mr. Webb, which were not before Government in 1854, and I see no reason to change the opinion to which I then came.

I therefore concur in thinking that the proposed resolution should be passed.

I am of opinion that the amount of compensation which is now annually paid by Government should be redeemed, and that all connexion between Government and the Temple should be severed for ever.

That, I think, was the intention of the Honourable Court.

The proposed arrangement with the Rajah, viz., to exempt his lands from Government revenue to the extent of 23,321 rupees per annum, so long as he shall continue to be superintendent, even if the Rajah would consent to it, would not have the desired effect.

I should therefore prefer to redeem the compensation by payment of a sum of money in gross, as sanctioned by the Honourable Court, or in the manner suggested in my former Minute, para, 35, &c. But I presume that any other arrangement than the payment of a sum of money must be previously sanctioned by the Court of Directors.

26 February 1856.

(signed) *B. Peacock.*

Fort William, Home Department, 28 February 1856.

RESOLUTION.

READ a despatch from the Honourable the Court of Directors in the Legislative Department, No. 7, of 1852, dated the 5th May, directing that, instead of proceeding to legislation, a final payment by way of compensation be made so as fully to dis sever the Government from all connexion with the Juggernath Temple.

Read a letter, dated the 12th August 1852, from the Rev. D. Ewart, secretary to the Calcutta Missionary Conference, forwarding a memorial from certain missionaries and ministers on the subject of the Draft Act for discontinuing the grant made to the Juggernaut Temple, and a pamphlet, intituled, "The Rights of Juggernath," referred to in the memorial.

Read a note by Mr. Secretary Grant on the subject, dated 19th November 1852.

Read a Minute by the Most Noble the Governor-general, dated 8th June 1853.

Minute by the Honourable J. Lowis, dated 30th November 1853.

Minute by the Honourable J. A. Dorin, dated 2d December 1853.

Minute by Major-general the Honourable J. Low, dated 7th December 1853.

Minute by the Honourable F. J. Halliday, dated 15th December 1853.

Minute by the Honourable B. Peacock, dated 12th January 1854.

Read a letter from Messrs. Stubbins and Sutton, missionaries at Cuttack, dated 5th December 1853.

Read letters to Government of Bengal, dated 13th December 1853 and 13th April 1854.

Read letter from Government of Bengal, No. 345, dated 4th May, and enclosures.

Read a despatch from the Honourable the Court of Directors in the Legislative Department, No. 9, of 1855, dated 4th July.

Read a Minute by the Honourable B. Peacock, dated 26th February 1856.

Read also letters from the Government of Bengal, No. 1628, dated 27th August 1853, and No. 344, dated 31st January 1856, and their respective enclosures, regarding the maintenance of a proper police force at the Temple.

Resolution.

Resolved, that the Government of Bengal be directed to discontinue, from the 1st May 1856, the payment of 23,321 rupees now made annually to the Temple of Juggernath in compensation for kunjās and sāyer resumed, and, in lieu thereof, to effect, if possible, the purchase of lands in the district of Khoorda, yielding an annual net profit of not less than 16,517 rupees a year (being the difference between the said sum of 23,321 rupees and the sum of 6,804 rupees, appropriated to the maintenance of an adequate police force), and to make over so much of these lands as will yield a net annual profit of 16,517 rupees a year, according to present valuation, to the Rajah of Khoorda, as superintendent of the Temple, to be held by him in trust for the Temple, and also by his successors in the Raj, so long as they continue to hold the office of superintendent.

Ordered, that the memorialists be informed of this determination.

Ordered, also, that the subject be reported by the next mail to the Honourable the Court of Directors.

22, 3rd 1

(N69339) (banned)

From C. Beadon, Esq., Secretary to the Government of India, to the Secretary to the Government of Bengal.

Sir,

WITH reference to the correspondence noted in the margin,* relating to the Temple of Juggernath, I am directed by the Most Noble the Governor-general in Council to request that the Honourable the Lieutenant-governor will take immediate steps to discontinue, from the 1st May 1856, the payment of 23,321 rupees, now made annually to the Temple, in compensation for kunjās and sāyer resumed, and, in lieu thereof, to effect, if possible, the purchase of lands in the district of Khoorda, yielding an annual net profit of not less than 16,517 rupees (being the difference between the said sum of 23,321 rupees and the sum of 6,804 rupees, appropriated to the maintenance of an adequate police force to keep the peace and preserve life in the Temple and its precincts), and to make over so much of these lands as will yield a net annual profit of 16,517 rupees, according to present valuation, to the Rajah of Khoorda, as superintendent of the Temple, to be held by him in trust for the Temple, and also by his successors in the Raj, so long as they continue to hold the office of superintendent.

2. The transfer deed should recite the circumstances under which the compensation was settled in 1845, and under which the annual payment then determined on, is now commuted for an endowment in land.

I have, &c.

Council Chamber,
28 February 1856.

(signed) C. Beadon,
Secretary to the Government of India.

(No. 398.)

From C. Beadon, Esq., Secretary to the Government of India, to the Rev. D. Ewart.

Sir,

28 February 1856.

WITH reference to the letter which you addressed to the Secretary to the Government of India in this department, on the 12th August 1852, enclosing a memorial

* To Government of Bengal, No. 73, dated 13 January 1853. To Government of Bengal No. 432, dated 25 April 1854. From Government of Bengal, No. 345, dated 4 May 1854, and enclosure; also, from Government of Bengal, No. 1628, dated 27 August 1853, and enclosures. To Government of Bengal, No. 344, dated 31 January 1856, and enclosures.

memorial from certain missionaries and ministers regarding the Temple of Juggernath, I am directed to inform you that the Most Noble the Governor-general in Council, after a careful comparison of the reports of Messrs. Græme and Webb, furnished respectively in 1805 and 1807, and of the accounts appended thereto, is satisfied that there is no ground for questioning the general correctness of the former, or for reducing the sum of 23,321 rupees, now paid to the superintendent. That sum, as you are aware, is not in the nature of a donation, but is simply compensation for kunjahs and sayer duties resumed, as ascertained and finally settled in 1845.

Of this sum, however, 6,804 rupees a year is appropriated by the local authorities to the maintenance of an adequate police force to keep the peace in the Temple and its precincts, and to prevent the loss of life which too frequently occurs there, especially at the time of the festival; and, in lieu of the remainder, the local Government has been directed, if possible, to purchase lands yielding an annual net profit of 16,517 rupees, and to make them over to the Rajah of Khoorda, as superintendent of the Temple, to be held in trust for the Temple, by him and his successors, so long as they continue to hold the office of superintendent.

By this means the annual payment heretofore made by way of compensation, and which, though in reality forming no actual connexion between the Government and the Temple, may have had that appearance to persons not thoroughly acquainted with the facts, will entirely cease.

I have, &c.
(signed) C. Beadon,
Secretary to the Government of India.

(No. 399.)

A SIMILAR letter to the Rev. Messrs. Stubbins and Sutton, in reply to their letter of the 5th December 1853.

Public Department, 12 November (No. 112), 1856.

Our Governor-General of India in Council.

Letter dated 28 February (No. 30), 1856.

Para 1. In this letter you report to us the proceedings of your Government, with reference to our despatch in the Legislative Department, dated 5 May (No. 7), 1852, authorising you to take measures for the discontinuance of the periodical payments, made from the Public Treasury, towards the support of the Temple of Juggernath.

Measures for the final severance of the connexion between Government and the Temple of Juggernath.

2. It is necessary, in order to a clear comprehension of the real state of the question, that we should briefly review the proceedings which have taken place on the subject in recent years.

3. Previously to 1840, Government seems to have been regarded as responsible for all the expenses of the Temple, varying from 50,000 rupees to 60,000 rupees per annum, and apparently averaging about 53,000 rupees; the whole of the former endowments of the Temple, which had gradually been resumed within a few years after we obtained possession of Cuttack in 1803, were in the hands of Government, and, in addition, a tax was levied on the pilgrims to Juggernath, which produced a revenue exceeding 90,000 rupees per annum.

4. In 1840 the pilgrim tax was totally abolished. At the same time the charge of the affairs of the Temple of Juggernath was made over to the Rajah of Khoorda, as superintendent. No change was then made in the amount of the annual payment to the Temple.

5. In 1843 an estate, called the Suttaees Hazaree, the then only remaining portion of the endowments of the Temple, which consisted of land at the time of our taking possession of the province of Cuttack, was relinquished to the Rajah of Khoordah, as superintendent of the affairs of the Temple; the revenues of the

the estate amounted to 17,420 rupees per annum; and, on occasion of the transfer, the annual money payment was reduced to a fixed sum of Rs. 35,738. 7. 6.

6. In 1845 an investigation was made into the nature of the payments to Juggernath. It was then established that 23,321 rupees of the above amount represented partly certain assignments of revenue, which, having been formally granted by former Rajahs of Berar; had constituted a portion of the endowments of the Temple, and partly certain sayer duties, formerly collected on behalf of the Temple, and for which it was entitled to compensation, precisely in the same way as the other landholders of the province. The balance of the sum was found to be a mere donation only, which, after the example of the former rulers of the country, had been continued for so many years by the British Government, partly in consideration of a supposed pledge by the Marquis Wellesley, and partly in respect of the revenue realised by the pilgrim tax, but very much, also because the real nature of the payment had never been brought distinctly under the notice of Government. It was decided that this last named sum should cease to be paid; and the future payment to the Temple was thenceforth limited to 23,321 rupees, the amount of resumed endowment, and of compensation for sayer.

7. All the steps above mentioned were taken, either under our orders, or with our subsequent approval, as tending to sever the connexion which previously to 1840 had existed between the British Government and the Temple of Juggernath. The object of our despatch of the 5th May 1852 was to render that severance complete, in appearance as well as in reality, by the discontinuance of the payments to the Temple from the public treasury.

8. Notwithstanding the partial elucidation which the question received through the investigation of 1845, great misapprehension continued to exist as to the real nature of the payment still made to the Temple. When, however, the subject came again under discussion, in consequence of our last-named orders, the view stated in para. 6 of this despatch was brought out with such force and clearness in a note prepared by Mr. John Peter Grant, then secretary to your Government, that the Marquis of Dalhousie was convinced of the erroneousness of his former impressions, and was satisfied "that the disbursement in question was not of the nature of a grant or donation," as he had believed it to be, "but of the nature of a compensation made to the Temple for property which belonged to it; but which had passed into the hands of the Government, and is now enjoyed by it." "As such," his Lordship remarked, "it should be continued periodically, or should be replaced by an equivalent in some other or preferable form." Your Government having concurred in the sentiments of the late Governor-general, the only question which remained was the manner in which effect should be given to our orders for the commutation of the annual payments to the Temple from the treasury. After an unaccountably long interval, which is much to be regretted, this question was decided by you, on the 28th February last, in favour of a transfer of land "to the Rajah of Khoorda, as superintendent of the Temple, to be held by him in trust for the Temple, and also by his successors, so long as they shall continue to hold the office of superintendent."

9. We entirely concur in your conclusion that the assignments and sayer duties formerly received by the Temple constituted property for which compensation was justly due. We also approve your determination that the commutation of the annual allowance formerly paid on this account should be made on the basis of a transfer of land.

10. In consequence of accidents, attended with loss of life, which occurred at successive festivals at the Temple, and which, in the opinion of the local authorities, resulted from the culpable neglect of the superintendent to make proper provision for the protection of the pilgrims, the Lieutenant governor of Bengal was induced to sanction a largely-increased police establishment, for the prevention of accidents and the maintenance of peace both within and without the Temple. The force is to be kept up as a Government establishment, but the expense is to be borne by the Temple funds; the cost of it will be 6,804 rupees per annum; and, a reduction to this extent being made from the compensation to which the Temple has been adjudged to be entitled, the value of the land to be provided for transfer to the superintendent is reduced to 16,517 rupees.

11. In

11. In sanctioning this measure, you appear to have acted on the principle that, while the responsibility of the superintendent of the Temple to preserve order and to guard against accidents within the Temple and its precincts, is strictly enforced, the Government, on the other hand, cannot, by any such arrangement, divest itself of its obligation to maintain the public peace, and to protect the persons of its subjects. We assent to this proposition; and as a case for the interference of Government, in consequence of the neglect of the superintendent, seems to have arisen, we approve the orders for the maintenance of an efficient Government establishment at the cost of the Temple. It is, however, to be understood that this establishment is to be employed only outside the Temple, and that the preservation of order in the interior must be left to the superintendent and other officers of the Temple.

12. We approve your orders that the deed of transfer of the new lands shall recite the circumstances under which it has been determined that the compensation payment to the Temple shall be commuted for land. The same provision will, of course, be made for the protection of the ryots as was made on the transfer of the Suttaees Hazaree estate.

We are, &c.

(signed) *W. H. Sykes,*
D. Mangles,
&c. &c.

London, 12 November 1856.

Home Department, No. 59 of 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to your Honourable Court's despatch in the Public Department, No. 112 of 1856, dated the 12th November, regarding the commutation into land of the money payments hitherto made to the superintendent of the Temple of Juggernaut, and the maintenance of an efficient police for the preservation of the peace at the Temple, we have the honour to forward a copy of the correspondence, noted in the margin,* with the Government of Bengal.

2. In the 11th para. of the above despatch your Honourable Court desired that the police establishment should be employed only outside the Temple, the preservation of order in the interior being left to the superintendent and other officers of the Temple.

3. The magistrate of Pooree has, however, represented, that "if we were to have no police inside the Temple, it would be taken possession of by thieves and vagabonds of all kinds, whom the Rajah would have no power to expel without the aid of the magistrate;" and that, "at the time of the Ruth Juttra we shall have first to deplore a most serious loss of life, and then be compelled to revert to the system which we have abandoned."

4. Under these circumstances, the Lieutenant-governor has authorised the retention of the police within as well as without the Temple, and we have approved of this measure, subject to the sanction of your Honourable Court, which we trust will be accorded to it.

We have, &c.

(signed) *Canning,*
J. D. Dinning,
J. Low,
J. P. Grant,
B. Peacock.

Fort William, 26 June 1857.

* To Government of Bengal, No. 164, dated 20 January 1857. From Government of Bengal No. 1291, dated 9 April 1857, and enclosure. To Government of Bengal, dated 26 June 1857 No. 1177.

From *R. B. Chapman*, Esq., Officiating Under Secretary to the Government of India, to *A. R. Young*, Esq., Officiating Secretary to the Government of Bengal.

Home Department. Sir, WITH reference to the letter from this department, No. 359, dated the 28th February 1856, I am directed to transmit, for the information and guidance of the Honourable the Lieutenant-governor, the accompanying copy of a despatch, No. 112 of 1856, dated the 12th November, from the Honourable the Court of Directors, regarding the commutation into land of the money payments made to the superintendent of the Temple of Juggernauth, and the maintenance of an efficient police, for the preservation of the peace at the Temple.

Council Chamber, Calcutta
20 January 1857.

I have, &c.
(signed) *R. B. Chapman*,
Officiating Under Secretary to the
Government of India.

(No. 1291.)

From the Secretary to the Government of Bengal to the Secretary to the Government of India, Home Department.

Revenue.

Sir, Darjeeling, 9 April 1857. WITH reference to your letter, No. 164, of the 20th January last, transmitting a copy of a despatch from the Honourable the Court of Directors regarding the commutation into land of the money payments hitherto made to the superintendent of the Temple of Juggernath, and the maintenance of an efficient police for the preservation of the peace at the Temple, I am directed to forward, for the consideration and orders of the Supreme Government, the accompanying copy of a communication received from the Officiating Commissioner of Cuttack, No. 100, of the 5th ultimo.

2. In paragraph 11 of the Honourable Court's despatch above referred to, it is directed that the police establishment to be maintained "is to be employed only outside the Temple, and that the preservation of order in the interior must be left to the superintendent and other officers of the Temple." On the representation of the magistrate of Pooree, that "if we were to have no police inside the Temple, it would be taken possession of by thieves and vagabonds of all kinds, whom the Rajah would have no power to expel without the aid of the magistrate," and that "at the time of the Rutch Jutta we shall have first to deplore a most serious loss of life, and then be compelled to revert to the system which we have abandoned," the Commissioner has submitted the matter for reconsideration, and, pending further instructions from the Right Honourable the Governor-general in Council, the Lieutenant-governor has authorised the retention of the police within as well as outside the Temple.

I have, &c.
(signed) *A. R. Young*,
Secretary to the Government of Bengal.

(No. 100.)

From *G. F. Cockburn*, Esq., Officiating Commissioner of Circuit, Cuttack Division, to *A. R. Young*, Esq., Secretary to the Government of Bengal, Judicial Department, Fort William.

Judicial. Sir, 5 March 1857. REFERRING to your letter, No. 54, dated the 29th January, to the address of the Secretary to the Revenue Board, forwarding copy of a despatch, No. 112, of 1856, from the Honourable the Court of Directors, on the subject of the commutation into a grant of land of the money payments to the Temple of Juggernath,

nath, and the maintenance of an efficient police at the Temple, I have the honour to submit, for the consideration and orders of the Lieutenant-governor, the accompanying copy of a letter, No 36, dated the 2d instant, from the magistrate of Pooree, strongly deprecating the withdrawal of the police establishment employed in preserving order inside of the Temple.

2. The extra establishment was appointed, it will be remembered, for the prevention of accidents, and the maintenance of peace both within and without the Temple, at a cost of 6,804 rupees, which has been deducted from the compensation adjudged to be due to the Temple.

3. Under paragraph 11 of the Honourable Court's despatch, the employment of the establishment must be confined to the outside of the Temple, and the preservation of order in the interior left to the superintendent and other officers of the Temple.

4. The magistrate considers that the withdrawal of the usual protection in the interior will lead to much villany and plunder, and also to great loss of life at the festival of the Ruth Jattrā, and feels assured that eventually it will be necessary to return to the present system.

5. I believe it to be certain that the evils referred to by the magistrate will take place on withdrawal of the guard from the interior, more especially if it is not to be employed on the occasion of the Ruth Jattrā.

6. At the same time the instructions of the Honourable Court are so positive, that I do not feel myself in any way authorised to sanction the retention of the guards in the interior.

7. The new establishment having been appointed for duty outside and inside, 16 men have hitherto been employed in patrolling the interior by night and by day. If their services are to be no longer required on this duty, it seems fair not to deduct the expense of the maintenance from the compensation adjudged to be due to the Temple.

I have, &c
(signed) *G. F. Cockburn,*
Officiating Commissioner.

(No. 36.)

From *A. S. Annaud*, Esq., Magistrate of Pooree, to the Officiating Commissioner of Circuit, Cuttack Division, Pooree Magistracy.

Sir,

2 March 1857.

I HAVE the honour to acknowledge the receipt of the despatch from the Court of Directors, No. 112, of the 28th February 1856, and the enclosures noted in the margin,* forwarded with your memorandum, No. 276, of the 14th ultimo, regarding the new police force that has been established at the expense of the Rajah of Khoordah, for the maintenance of order in and around the Temple of Juggernath.

2. The Court, after approving generally of the new force, state as follows at the close of the 11th paragraph: "It is, however, to be understood, that this establishment is to be employed only outside the Temple, and that the preservation of order in the interior must be left to the superintendent and other officers of the Temple.

3. The new guard of 100 men was especially appointed to keep the peace both inside and outside of the Temple, and 16 of them now regularly patrol the interior night and day. A great many people are at all times passing through and wandering about inside the Temple when it is open, quarrels and assaults are constantly taking place, and robberies not unfrequently occur within its precincts; and I fear that if the guard should be removed, the interior would be unsafe for the pilgrims and others who resort there, and that after a short time it would be absolutely necessary to re-establish it. The Rajah is a feeble individual, who has little or no power, and is not feared by anybody; his guards, if he had any, would be under no dread of punishment, and would do just as they chose, which

* Board's letter, No. 13, dated 3 Feb. 1857. Government letter, No. 54, dated 29 Jan. 1857.

which would always be to collude with all the scoundrels who could pay them, and allow them to rob and ill-treat the pilgrims in the Temple with impunity. If we were to have no police inside the Temple, it would be taken possession of by thieves and vagabonds of all kinds, whom the Rajah would have no power to expel without the aid of the magistrate, and the result would be, I think, discreditable to the Government, who are, I submit, bound to protect their subjects within as well as without the precincts of the shrine.

4. At the festival of the Ruth Jattrā a large police force (last year it amounted to 164 men, under the orders of a Hindu deputy magistrate) is invariably posted in the Temple to keep the peace, and to prevent accidents, which nevertheless frequently occur, for there are narrow ways, with steep steps at intervals, and when they are slippery with wet, as is generally the case in June or July, the time of the great festival, and one or two of the leading pilgrims happen to slip down, numbers of the multitude rushing on behind are precipitated on to and over them, and many are crushed to death. In 1853, 22 men were so killed in one part of the Temple. To prevent such accidents, strong parties of police are placed at the turnings, steps, and dangerous places, and they generally succeed in getting the people through without their suffering any injuries. If, however, we are to take all our force out of the Temple, and leave the superintendent to manage everything at the time of the Ruth Jattrā, I am certain that we shall have first to deplore a most serious loss of life, and then be compelled to revert to the system which we have abandoned.

5. I beg your consideration to these remarks, and I shall abstain from removing the guards from the inside of the Temple until I receive further instructions, confident as I am that they cannot be removed with safety to the people and credit to the Government.

I have, &c.

(signed) *A. S. Annaud*, Magistrate.

(A true copy.)

(signed) *W. Lacey*,
Officiating Assistant to Commissioner.

(True copies.)

(signed) *A. R. Young*,
Secretary to the Government, Bengal.

(No. 1177.)

From *R. B. Chapman*, Esq., Officiating Under Secretary to the Government of India, to the Secretary to the Government of Bengal.

Sir,

26 June 1857

Home Department.

I AM directed to acknowledge the receipt of your letter, No. 1291, dated the 9th April last, and to state, that, subject to the sanction of the Honourable the Court of Directors, the Right Honourable the Governor-general in Council approves of the authority given by the Honourable the Lieutenant for the retention of the police within as well as outside the Temple of Juggernaut, for preserving the peace and maintaining order.

I have, &c.

(signed) *R. B. Chapman*,
Officiating Under Secretary to the Government of India.

Public Department, 3 February (No. 2) 1858.

Our Governor-General of India in Council.

Para 1. THE employment of a Government police establishment within the Temple of Juggernath, especially during festivals and commemorations, is inconsistent with that total disconnexion of Government from the religious observances of the natives, which it has been our desire for many years to accomplish, and which, under our despatch of 12th November (No. 112) 1856, would be rendered complete. We cannot, therefore, consent to modify our orders, limiting the employment of the Government police to the exterior of the Temple.

Letter dated 26 June (No. 59) 1857, transmitting Correspondence relating to Court's Despatch, dated 12 November (No. 112) 1856, regarding the affairs of the Temple of Juggernath, and with reference to para. 11, which limits the employment of the police to the outside of the Temple, reporting that on a representation from the magistrate of Pooree, the Lieutenant-governor of Beugal had sanctioned the retention of the police within the Temple, and that the measure to which the Court's sanction is requested, had been approved by the Government of India.

2. The superintendent of the Temple, who has ample funds at his disposal, must be warned of the responsibility which lies on him to make proper provision for the prevention of outrage and the avoidance of accidents within the Temple. On the occurrence of an accident, attended with loss of life, in 1854, in consequence of the defective arrangements of the superintendent, his responsibility was affirmed, and his negligence was punished by the levy of a pecuniary fine. If the superintendent be made clearly to understand that he will be held personally liable for all the consequences resulting from an insufficient establishment of servants, or from other deficiencies in his arrangements, he will probably see the necessity of making effectual provision for the discharge of his duties as superintendent. If, after due trial, this expectation shall not be realised, it will be the duty of your Government to consider what steps should be taken for the repression of crime and outrage, consistent, on the one hand, with the full toleration afforded to the exercise of their religion by the natives, and, on the other, with our determination to abstain from any measures by which our Governments may be connected, directly or indirectly, with any religious ceremonies, either Hindoo or Mahomedan.

3. At the same time it must be understood that, in holding the superintendent responsible for the proper discharge of his duty, the Government, as stated in our despatch of the 12th November 1856, does not divest itself of its obligation to maintain the public peace, and to protect the persons of its subjects; and that while it will look to the superintendent to keep order within the Temple, as a matter of domestic arrangement, it will still rest with the proper authorities to take cognisance of any violation of the law that may occur within as well as without its precincts, and, if necessary to interfere, by means of the public police, in cases of criminal violence or serious disturbance.

We are, &c.
(signed) *R. D. Mangles,*
F. Currie,
&c. &c.

London, 3 February 1858.

(True copies)

East India House,
9 February 1858.

(signed) *J. S. Mill,*
Examiner of India Correspondence.

EAST INDIA—(MISSIONARIES).
EAST INDIA—(IDOLATRY).

COPY of a DESPATCH from the Court of Directors to the Governor General in Council, dated 21 April 1847, directing the Issue of Orders to all Public Officers forbidding the Support on their Part of MISSIONARY EFFORTS; of the DESPATCH from the Government of *India*, with all Papers referred to therein, in reply to such Despatch; and, of COPIES or EXTRACTS of COMMUNICATIONS in relation to the connexion of the Government of British India with IDOLATRY and MAHOMEDANISM.

(*Mr. Kinnaid.*)

*Ordered, by The House of Commons, to be Printed,
12 February 1858.*

EAST INDIA (EDUCATION).

RETURN to so much of an Order of the Honourable The House of Commons,
dated the 11 December 1857, *as calls for*,

“COPIES of CORRESPONDENCE with the Indian Government, showing the
Progress of the Measures adopted for carrying out the EDUCATION
DESPATCH of 19 July 1854, (in continuation of Parliamentary Paper,
No. 393, of Session 1854.)”

East India House, }
11 February 1858. }

JAMES C. MELVILL.

(*Mr. Kinnaird.*)

Ordered, by The House of Commons, to be Printed,
12 February 1858.

L I S T.

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East India House, }
11 February 1858. }

J. S. Mill,
Examiner of India Correspondence.

COPIES of CORRESPONDENCE with the Indian Governments showing the Progress of the Measures adopted for carrying out the EDUCATION DESPATCH of 19 July 1854, (in continuation of Parliamentary Paper 393 of Session 1854).

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

Home Department,
20 October (No. 88) 1854.

With reference to para. 4 of our letter, No. 79, dated 4th November 1853, we have the honour to transmit to your Honourable Court, the accompanying despatch from the Chief Commissioner of the Punjab, recording his views on the proposition for extending the North-west Provinces system of vernacular education to the Punjab, and forwarding a minute from Mr. Montgomery, the Judicial Commissioner, on the same subject, together with a report from Mr. McLeod, the Commissioner of the Trans-Sutlej States, which throws considerable light on the highly important subject of indigenous education.

2. We transmit, also, copies of our minutes as per margin,* and have only to remark that the recent instructions communicated by your Honourable Court in your despatch No. 49, dated 19th July last, supersede the necessity of our making any specific recommendation to your Honourable Court.

We have, &c.

(signed) *Dalhousie.*
J. Dorin.
J. Low.
J. P. Grant.

Fort William, 20th October 1854.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

Home Department,
27 October (No. 91) 1854.

So soon as your Honourable Court's despatch, dated 19 July 1854, No. 49, upon the subject of general education in India, was received, the Governor-general took the necessary preliminary steps for giving effect to the instructions which it contained. To that end his Lordship communicated with, and requested the assistance of several public officers who have taken a distinguished part heretofore in the direction of education in India, and whose knowledge of the system which has hitherto been pursued, and of its deficiencies as well as its excellencies, will be of the utmost value to him, in proposing hereafter the practical measures to which recourse may best be had for the establishment of the new and extended system of education under our rule.

2. The plan is itself so large, and its details so numerous, and many of them so novel, that it has been found that some time must of necessity elapse before it will be possible for his Lordship to bring before the Council Board the several projects which will be prepared.

3. Under

* Minute by the Governor-General, dated 16th June 1854.

Minute by the Honourable J. A. Dorin, dated 13th June 1854.

Minute by Major-General the Honourable J. Low, C. B., dated 14th June 1854.

Minute by the Honourable J. P. Grant, dated 12th October 1854.

3. Under these circumstances, we deem it expedient to lose no time in acknowledging the receipt of your Honourable Court's despatch, and to report the steps which have already been taken in obedience to your injunctions.

4. In so doing we desire to express to your Honourable Court the strong and genuine gratification which the receipt of this important despatch has afforded both to us and the community; and to express the satisfaction with which we regard the general features of the great measure which your Honourable Court has wisely resolved to introduce for the benefit of those committed to your charge.

5. While we thus regard with feelings of the strongest satisfaction the declared intention of your Honourable Court to extend more widely and vigorously than heretofore your measures for general education in India, we must be permitted to express some regret that the language of the despatch in which your intention has been made known is calculated to lead the world to infer an inactivity on the part of the Government of India in the promotion of general education, with which it is not justly chargeable. We cannot but feel some pain that the wish which your Honourable Court have expressed in your despatch, that "the attention of the Government of Bengal should be seriously directed to the consideration of some plan for the encouragement of indigenous schools, and for the education of the lower classes;" and further, the intimation made by your Honourable Court that you would be "prepared to sanction the gradual extension of some such system" as Mr. Thomason had experimentally introduced "to the other districts of the Agra Presidency," must needs have led Parliament and the public of England to suppose that nothing had of late been done by the Government of India towards those two great ends; whereas nearly a year has now elapsed since we addressed to your Honourable Court a despatch,* the receipt of which has not yet been acknowledged, requesting your sanction to a completely organised system of indigenous schools throughout all the districts under the Agra Government, and further intimating that directions for the formation of a similar system had already been issued to the Government of Bengal, and that corresponding instructions had also been issued to the Government of the Punjab.

* *Vide* despatch to Court, No. 79, dated 18 November 1853.

6. The scope of the present despatch from your Honourable Court is more than sufficient to include within its sanction these and other similar projects, which have been submitted for approval by the Government of India. We assure your Honourable Court that, with respect to these, as to all other points connected with the vitally important subject of general education in India, your Honourable Court have done justice to the Governor-general in Council when you record your "sincere belief" that "he would cordially co-operate" with you in endeavouring "to effect the great object which you have in hand."

We have, &c.
(signed) *Dalhousie.*
J. Dorin.
J. Low.
J. P. Grant.

Fort William, 27 October 1854.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

Home Department,
26 January (No. 7) 1855.

IN continuation of our despatch No. 91, dated the 27th October 1854, we have now the honour to report our proceedings towards giving effect to the instructions contained in your Honourable Court's despatch, No. 49, dated the 19th July last, on the subject of general education. These will be gathered from the minutes of the Governor-general and members of Council, and from the instructions we have issued to the several local Governments, and to the authorities in charge of non-regulation provinces.

2. With reference to the doubt which has been felt as to the precise intention of your Honourable Court, as expressed in the 33d para. of your despatch, we have not felt ourselves authorised to do more than to appoint a committee, consisting of the President and the members of the late Council of Education in Bengal,

Bengal, of certain other gentlemen whom it is intended hereafter to place in the Senate of the Calcutta University, and of the legislative members of Council from Madras and Bombay, for preparing a scheme for the establishment of universities in the three presidency towns.

3. We entertain no doubt that the proper method of proceeding with a view to the foundation of these universities on the model of the London University, as directed by your Honourable Court, will be to obtain Acts of incorporation from the Legislative Council, and to appoint the Senates, who will pass rules for the governance of the universities, subject to such control on the part of the Government as it may seem fit by law to reserve. And we trust that your Honourable Court will sanction the adoption of this course.

We have, &c.
(signed) *Dalhousie.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 26 January 1855.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs, Public Department,
14 July (No. 57) 1855.

In continuation of our letter No. 7, dated the 26th January last, we have the honour to transmit the papers noted on the margin,* from which your Honourable Court will observe that we have approved, with certain alterations and amendments, of a set of rules submitted by the Honourable the Lieutenant-governor of Bengal, for grants in aid of education in the Lower Provinces, in accordance with your despatch, No. 49, dated the 19th July 1854.

2. Our sanction has been accorded to these rules provisionally, and we have apprised the Lieutenant-governor that they may be superseded hereafter by a code of more general application.

We have, &c.
(signed) *J. A. Dorin.*
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 14 July 1855.

EXTRACT from a Despatch from the Government of *India* to the Honourable the Court of Directors in the Home Department (Education), dated 13 August (No. 67) of 1855.

4. We transmit in the collection a copy of the correspondence† we have had with the Government of Fort St. George regarding the amount to be expended annually in that Presidency on grants in aid.

5. We found it necessary to explain to the Madras Government, that in authorising the local Governments to incur an expenditure for the above purpose equal to five per cent. on the annual educational expenditure of the Presidency, it was certainly not our intention to prescribe a maximum of 2,500 rupees a year, or to limit grants in aid to such a per-centage on the past cost of education, but that we intended the per-centage to be calculated on the expenditure to be incurred under the liberal system newly introduced in accordance with your Honourable Court's despatch of the 19th July last.

6. With

* From Government of Bengal, No. 166, dated 4th May 1855, and Enclosure. Minute by the Honourable J. P. Grant, dated 25th May, concurred in by the Honourable J. A. Dorin, General the Honourable J. Low, and the Honourable B. Peacock. Provisional rules for grants in aid of education. To Government of Bengal No. 855, dated 6th July.

† Correspondence with the Madras Government regarding the expenditure in grants in aid. Amount fixed at 25,000 rupees per annum; Grants in aid; Rules. Home Cons., 18th May 1855, Nos. 42 to 46. Home Cons., 27th July 1855, Nos. 29 to 32.

6. With a view, however, to avoid any further uncertainty, we thought it advisable to fix a specific annual sum beyond which, for the present at least, the assistance to be rendered by the Government, through grants in aid, to schools in the Presidency of Madras was not to be given.

7. This specific sum for grants in aid has been fixed by us at 25,000 rupees, which is rather more than double the amount authorised by our previous orders, taking the other expenses of the department at the rough estimate of 220,000 rupees a year made by the Madras Government.

8. The Government of Madras also asked our sanction to the expenditure of the amount last-mentioned in general objects connected with education (not including grants in aid) during the official year 1855-56; but we informed them that without the usual detailed statements of establishments proposed to be entertained, we were not prepared to sanction any specific sum for the purpose.

9. We transmit in the collection a copy of the grants in aid rules for the Madras Presidency, as approved by us provisionally, and for immediate adoption.

Home Department, Education, (No. 72, 1855).

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WE transmit in the packet copy of a correspondence* regarding a code of rules for regulating the distribution of grants in aid of education in the North-western Provinces of the Bengal Presidency.

2. We have, for the reasons assigned in our secretary's letter of the 17th August, directed the adoption, provisionally, in the North-western Provinces, of the rules passed for the Lower Provinces, of which a copy was communicated to your Honourable Court with our despatch, No. 57, dated the 14th July last.

We have, &c.
(signed) *J. A. Dorin.*
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 27 August 1855.

Home Department, Education, (No. 88 of 1855).

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

Home Department,
Education.
October 12, 1855.

WE have the honour to acknowledge the receipt of your Honourable Court's despatch, No. 65 of 1855, dated 27th June, on the subject of general education in India; and in reply to transmit the accompanying Report of the University Committee as to the progress made in the preparation of the scheme for the establishment of universities in Calcutta, Madras, and Bombay.

2. On receipt of the opinions of the local Governments on the reports of the sub-committees to whom have been entrusted the duty of preparing draft rules for examinations for degrees and for other cognate matters in the Faculties of Arts, Medicine, Law, and Civil Engineering, it is hoped that no time will be lost in maturing the scheme.

We have, &c.
(signed) *J. Dorin.*
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 12 October 1855.

* From Secretary North-western Provinces, No. 2648, dated 11 July 1855, and Enclosure. To ditto, No. 1026, dated 17th August.

Public (Education) Department, dated 5 December (No. 108) 1855.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

IN continuation of our letters noted on the margin,* we transmit in the packet copy of a correspondence† with the Government of Bombay, having reference to a code of provisional rules for regulating grants in aid of education in that Presidency.

We have, &c.
(signed) *Dalhousie.*
J. A. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 5 December 1855.

Home (Education) Department, 29 January (No. 5) 1856.

To the Honourable the Court of Directors of the Honourable East India Company.

Honourable Sirs,

CONSIDERING the scheme suggested by Mr. Woodrow, Educational Inspector of Eastern Bengal, and explained in the accompanying papers,‡ for the improvement of the indigenous vernacular schools in the districts under his charge, worthy of trial, we have sanctioned the organisation, experimentally, of 60 circles of schools, in the mode proposed, at a maximum aggregate cost of 1,500 rupees a month.

20 in the 24 Pergunnahs.
20 in Lessore.
20 in Dacca.

We have, &c.
(signed) *Dalhousie.*
G. Anson.
J. A. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

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Fort William, 29 January 1856.

Public (Education) Department, 31 January (No. 6) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to the letters noted in the margin,§ we have the honour to transmit the accompanying copies of papers having reference to an alteration made at the suggestion of the Governments of Bengal and the North-western Provinces respectively, in the 3d section of the rules adopted provisionally in those divisions of the Presidency for regulating grants in aid of education.

We have, &c.
(signed) *Dalhousie.*
George Anson.
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 31 January 1856.

Home (Education) Department, 1 February (No. 7) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

IN continuation of the letter from the Public Department, No. 12 of 1855, dated the

* No. 57, dated 14 July 1855. No. 67, dated 13 August 1855, para. 9. No. 72, dated 27 August 1855.

† From Government of Bombay, No. 2803, dated 17 September 1855, and Enclosure. To ditto, No. 1521, dated 23d November.

‡ From Government of Bengal, 566, dated 23 November 1855, and Enclosure. To ditto, No. 3, dated 28 December 1855.

§ Pub. to Court, No. 57, dated 14 July 1855. Ditto, No. 72, dated 27 August 1855.

Home Cons.
18 Jan. 1856,
Nos. 106 to 108.

the 2d March, regarding a scheme of vernacular education for the Lower Provinces of the Presidency of Bengal, we have the honour to transmit a copy of a further correspondence with the local Government on the subject, showing that 18 model schools have been established in the districts of Nuddea, Burdwan, Hooghly, and Midnapore, at a cost of 50 rupees each per mensem, or an aggregate monthly charge of 900 rupees.

We have, &c.
(signed) *Dalhousie.*
G. Anson.
J. A. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 1 February 1856.

Home Department, Education (No. 20 of 1856).

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WE have the honour to transmit the accompanying papers,* showing that we have sanctioned a proposal for founding scholarships tenable by pupils of the vernacular schools in zillah and normal schools in Bengal in the districts noted on the margin†, at an eventual aggregate expense of 800 rupees per annum.

We have, &c.
(signed) *Cunning.*
Geo. Anson.
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 1 May 1856.

Public (Education) Department, 14 June (No. 28) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to our letters noted in the margin,‡ we have the honour to transmit the accompanying copy of a correspondence with the Government of Bengal,§ from which it will be seen that we have sanctioned the extension of the limit within which that Government may grant sums in aid of educational institutions, to an amount equal to 10 per cent. upon the aggregate amount of the annual educational expenditure in Bengal.

We have, &c.
(signed) *Canning.*
George Anson.
J. Dorin.
J. P. Grant.
B. Peacock.

Fort William, 14 June 1856.

EXTRACT from a Despatch from the Government of India to the Honourable the Court of Directors in the Home Department (Education), dated the 24th June (No. 29) 1856.

5. We remarked to the Government of Bombay that we could see no reason why the Board of Education at Bombay should not at once be entirely abolished, in

* From Government of Bengal, No. 295, dated 5 March 1856, and Enclosure. To ditto, No. 623, dated 11th April 1856.

† Midnapore, Hooghly, Burdwan, Nuddea, Dacca, Jessore, Baraset, 24 Pergunnahs.

‡ No 7, dated 26 January 1855. No. 57, dated 14 July 1855.

§ From Government Bengal, No. 495, dated 5 May 1856, and Enclosure to ditto, No. 402, 29 May 1856.

in accordance with your Honourable Court's desire, as expressed in your despatch of the 19th July 1854. The Board, it was understood, were trustees of the private education funds, not by virtue of any formal deed, but simply by the appointment of the Government; and in that case, we observed, that the management of these funds might unobjectionably, and with advantage, be placed in other hands. It would seem, we remarked, that there was a committee of management intervening between the Board and the Elphinstone Institution, by whom the funds of that institution might probably be managed, if it was deemed necessary still to employ a special agency of that kind for the purpose; and the other private funds, we observed, might on the same understanding be managed by the native Education Society, to which, strictly speaking, a part of them at least appeared to belong.

6. We, however, called upon the Government of Bombay to submit a report, showing precisely the actual constitution of the Elphinstone Institution, and its relation to Government; the origin, resources, objects, and present state of the two funds by which it seemed to be chiefly supported, namely, the professorship and institution funds; and the authority under which these funds were expended, the amount of support the institution derived from the Government, independently of the two funds above mentioned, and the degree of interference which the Government exercised, or thought itself authorised to exercise, in the affairs of the institution. So far as we were able to judge from the printed education reports, and the scanty notices on the subject which appeared on our records, we remarked that it seemed that the Government, if it had not interfered directly with the administration of the funds of the institution, had exercised a close and very beneficial surveillance over it in every other respect.

Public (Education) Department, 19 August (No. 36) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WE have the honour to transmit copies of the papers noted in the margin,* regarding the construction of a suitable building for the Presidency College at Calcutta.

2. Your Honourable Court will perceive that in order to check extravagant demands for space in the proposed building, and to prevent the cost of its construction exceeding the sum of eight lacs of rupees, which your Honourable Court, in your despatch (No. 58 of 1855), dated the 16th May, have expressed yourselves willing to sanction, we have authorised the appointment of a committee, composed of the gentlemen named on the margin,† to determine the least amount of space required for all purposes in the Presidency College, and to submit a design for a building in accordance therewith.

3. We annex, for facility of reference, a précis of the correspondence that has taken place from the commencement on the subject of a building for the Presidency College.

We have, &c.
(signed) *Cunning.*
George Anson.
J. Dorin.
J. P. Grant.
B. Peacock.

Fort William, 19 August 1856.

Home (Education) Department, 26 August (No. 37) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

IN continuation of our letter, No. 26 of 1856, dated the 8th May, we have the honour to transmit the accompanying copy of a correspondence with the Government

* Extract Public Works Department, No. 1847, dated 25 April 1856, and Enclosures. Minute by the Governor-general, dated 3 June, concurred in by the Commander-in-Chief. Minute by Mr. Dorin, dated 7 June. Minute by Mr. Grant, dated 17 June. Minute by Mr. Peacock, dated 20 June. Letter to Government of Bengal, No. 1145, dated 25 July.

† W. Gordon Young, Esq., Director of Public Instruction; Captain C. B. Young, Civil Architect; Captain H. Yule, Under Secretary Public Works Department.

Government of the North-western Provinces,* regarding the further extension of the scheme of vernacular instruction in those provinces.

2. Your Honourable Court will perceive that, in addition to the sum of 62,908 rupees per annum that has already been sanctioned for this purpose, as reported in our letter above mentioned, we have now authorised the annual expenditure of 56,448 rupees, on the following accounts :

1st. For the completion of the first circle of superintendence, by the extension of the system to Hissar, Paneeput, Bignore, and the Dehra Dhoon, at an expense of 13,232 rupees a year.

2d. For the establishment of an independent circle of superintendence in the province of Kumaon, at an annual expense of 9,552 rupees ; and

3d. For the extension of the system to the Saugor and Nerbudda Territories (including Scindia's district of Chundeyree under our management), at an annual cost of 33,664 rupees.

3. We have authorised the Honourable the Lieutenant-governor to endeavour to procure the consent of the Gwalior durbar to bear the expense of vernacular schools in Chundeyree, and in certain pergunnahs in Saugor and Hoshungabad ; as also a proportionate share of the inspector's salary and expenses.

4. With reference to the Lieutenant-governor's proposal to appoint the Rev. Mr. Buddew, a missionary at Almorah, to be inspector of schools in Kumaon and Gurhwal, we have requested his Honor to make some other arrangement for the supervision of the schools in those districts pending the receipt of a reply from your Honourable Court to our letter, No. 8 of 1856, dated the 19th February.

We have, &c.
(signed) *Canning.*
G. Anson.
J. A. Dorin.
J. P. Grant.
B. Peacock.

Fort William, 26 August 1856.

Home (Education) Department, 15 October (No. 40) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to the 3d paragraph of our letter, No. 37 of 1856, dated the 26th August, we have the honour to transmit the accompanying copy of a further correspondence† with the Government of the North-western Provinces, respecting the cost of the establishment of vernacular schools in the Chundeyree district, and in certain pergunnahs of Saugor and Hoshungabad.

We have, &c.
(signed) *Canning.*
J. A. Dorin.
J. P. Grant.
B. Peacock.

Fort William, 15 October 1856.

Public (Education) Department, 10 November (No. 43) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

1. WE have the honour to transmit a copy of a correspondence with the Government of Bombay‡ respecting the expenditure of money on grants in aid of education in the province of Scinde.

2. The

* From Government North-western Provinces, No. 812 A., dated 26 June 1856, and Enclosure. To ditto, No. 970, dated 1 August 1856.

† From Government North-western Provinces, No. 1192 A., dated 18 August 1856. To ditto, No. 1214, dated 19 September 1856.

‡ From Bombay, No. 2713, dated 30 August 1856. To ditto, No. 1305, dated 15 October 1856.

2. The proposal submitted by the Bombay Government for our sanction was, that, for the present at least, the Acting Commissioner of Scinde should be authorised to expend money for grants in aid of schools, to an unlimited extent, on the sole condition that the amount so expended should not in any one case exceed double the amount subscribed from private sources.

3. We did not understand the Acting Commissioner himself to ask for anything else than that grants in aid in the province of Scinde should be made on more liberal terms than in other parts of the Presidency of Bombay, namely, to the extent of two-thirds instead of one-half of the cost of the school, and we remarked to the Government of Bombay, that such a concession might very reasonably and wisely be made in the case of Scinde, though we were unable to sanction any departure from the rule which fixes a limit on the expenditure on grants in aid in the Bombay Presidency, in which Scinde is necessarily included.

4. The limit in question, as your Honourable Court are aware, is five per cent. on the annual educational expenditure of the Presidency; and we have expressed ourselves prepared to receive favourably any recommendation which the Bombay Government may deem proper to submit for its extension, whether such a measure may be rendered necessary in consequence of the system proposed by the acting commissioner of Scinde, or from any other cause.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. P. Grant.
B. Peacock.

Fort William, 10 November 1856.

EXTRACT Public Letter from Fort St. George, dated 8 May, No. 20 of 1855.

Letter, dated 30 August, No. 44 of 1854.

11. After communication with the Government of India on the subject of this despatch, and on the receipt of their letter of the 26th January last, forwarding copies of letters* addressed to the Lieutenant-governors of Bengal and the North-western Provinces, and to the committee for preparing a scheme for the establishment of universities in the presidency towns of Calcutta, Madras, and Bombay, we proceeded to inaugurate the measures for the advancement of education in this Presidency by the appointment of a Director of Public Instruction, on a salary of 2,500 rupees per mensem, conferring the office on Mr. A. J. Arbuthnot of the civil service; but before proceeding further with the organisation of the department over which he is to preside, we have deemed it necessary to solicit further instructions from the Government of India on a point of paramount importance, viz., as to the amount of funds which this Government was at liberty to set apart for grants in aid of private efforts. Without this information we shall not be in a position to determine the extent to which this system is to be introduced, nor the number of inspectors that will be required. For our views on this matter we beg to refer your Honourable Court to our letter to the Government of India, dated 19th March last.

Transmit copy of a despatch addressed to the Government of India, containing Honourable Court's views of promoting education throughout India, and observe that the measures they have sanctioned for general adoption, comprise the more important of those which the Government proposed to introduce within this Presidency.

12. In our letter to the committee for preparing a scheme for the establishment of universities in the presidency towns of Calcutta, Madras, and Bombay, dated 27th March, to which we also solicit your attention, we have fully communicated our views on the several points therein touched upon, viz., the persons to be admitted to the privilege of competing for university degrees and honours; the extent to which the functions of the university are to be exercised, and the number of university degrees, and the standard of attainments to be laid down.

13. As the organisation of a separate department under a single officer for the despatch

* In Diary to Cons. 14 November 1854. In ditto, 5 December 1854. In ditto, 13 March 1855. In ditto, 20 March 1855. In ditto, 27 March 1855.

despatch of all business connected with public education in this Presidency involved the dissolution of the Board of Governors of the Madras University, we have deemed it due to the gentlemen who have formed it to place on record our high sense of their disinterested zeal and ability in the performance of the important duty assigned to them.

14. Prior to the year 1846 the offices of secretary to the College of Fort St. George and secretary to the University Board were distinct appointments, the salary of the former being 500 rupees, that of the latter 200 rupees per mensem.

15. In 1846, in accordance with the previous recommendation (in 1843) of the finance committee, these appointments were amalgamated on the salary for the joint office of the rate previously drawn by the most highly paid of the two, or 500 rupees monthly.

16. The recent appointment of Director of Public Instruction and dissolution of the University Board has involved the abolition of the office of secretary to that Board, and separate provision has had to be made for the secretary to the College Board, recently converted into a Board of Examiners for the examination of junior assistants, as well as for the superintendence of the studies of junior servants qualifying themselves for admission into the public service.

17. As the Board of Examiners is now charged with these double duties, it appeared to us that the salary of its secretary might fairly be fixed at 300 rupees, or three-fifths of what it was before 1846, and at a time when the Board had only one branch of its present duties. In appointing a secretary to the Board, the above salary has therefore been assigned to him, subject to the confirmation of the Government of India, for which application has been made.

PUBLIC LETTER from Fort St. George, dated 10 August, No. 31 of 1855.

Para. 1. YOUR Honourable Court will have been informed by our despatch of 8 May last, No. 20, of our having inaugurated the measures for the advancement of education in this Presidency, by the appointment of a Director of Public Instruction. We have now the honour to report our further proceedings on the subject.*

2. In your despatch of the 30th August 1854, No. 44, para. 5, your Honourable Court remarked that the University at Madras, constituted as it is at present, in no way corresponded with the institutions, the establishment of which had been discussed in your General Educational Despatch, dated 18th July 1854, to the Supreme Government, but rather resembled the Elphinstone Institution at Bombay, and the colleges which exist in many of the provincial cities of Bengal and the North-west Provinces.

3. "Our hope is," you proceeded to observe, "that a university, according to the proper meaning of the word, may before long be established at your Presidency; and in the meantime, it is our desire that the fullest efficiency should be given to the institution now existing under that name at Madras, and that they should be constituted a presidency college in which the various objects of education may be combined, and complete courses of instruction appointed, by means of which the students may be brought to the highest point of attainment, both in general and special branches of study. The Presidency College of Calcutta, as recently constituted, may, in its general plan, serve as a model for that at Madras, and with a view of making the required changes, you should obtain full information from the Government of India as to the general arrangements of the Calcutta College."

4. Application was accordingly made to the Government of India, under date the

* In Diary to Cons. 15 May 1855. In Diary to Cons. 29 May 1855. In Diary to Cons. 29 May 1855. In Diary to Cons. 5 June 1855. In Diary to Cons. 12 June 1855. In Diary to Cons. 17 July 1855. In Diary to Cons. 24 July 1855. In Diary to Cons. 24 July 1855. In Diary to Cons. 31 July 1855.

the 4th December 1854. for the desired information. In his reply, under date the 26th January last, Mr. Secretary Beadon stated, that it had been sought for from the Government of Bengal, but no further communication has since been received on the subject.

5. This delay in furnishing the requisite information for a time prevented us from entering upon the remodelling of the Madras Presidency College, as directed by your Honourable Court. It was, however, observed that the scheme of the Calcutta College, as prepared* by the Council of Education, and submitted† to your Honourable Court, was to be found in the printed selections from the records of the Bengal Government, No. XIV. of 1854, and we presumed that the plan had not since undergone such modifications as would prevent it from being taken, in its general outlines, as a basis for the reconstitution of the college at Madras. We therefore requested the Director of Public Instruction to submit to us the arrangements that he would propose for converting the present, so called, Madras University into a Presidency College, taking as his guide, in its general features, the printed scheme for the Calcutta College, and introducing such changes and modifications as might seem necessary to adapt it to the circumstances of this Presidency.

6. In his reply, after adverting to the high standard of attainments prescribed by the Calcutta scheme for admission into the college, and to the extent of the establishments provided for in it, Mr. Arbuthnot proceeded to consider the question whether it be feasible to adopt at Madras the standard of qualifications for admission fixed at Calcutta, and of separating the proposed college from the school departments which have hitherto been attached to it. He observed, that "under the rules proposed for the Calcutta College, no students are to be admitted who cannot pass a standard somewhat in excess of that laid down for the junior scholarships in Bengal, and which would probably be passed with difficulty by the scholars of the 5th, or the highest class of the high school department of the present university." The collegiate department of the university, containing only 28 students, and the highest class of the high school 20, the entire institution would thus furnish only some 48 students eligible for admission into the new college. He therefore gave it as his opinion that the establishment of a college here after the Calcutta model would be altogether premature.

7. The arrangement that the Director proposed, as suited to the existing state of education at this Presidency, was, "that the collegiate and high school departments of the present university be constituted the general branch of the Presidency College, under the designation of senior and junior departments; that with the senior department such professional branches should be amalgamated as it might be deemed proper to connect with it; and that the senior department thus organised, should be eventually formed into a separate college, when the number of educated youths qualified to enter it should be considered sufficient to justify such a step.

8. The only professional branch which, for the present, the Director thought it advisable to associate with the senior department, is that of law. Excepting as regards the Mahratta language, which it is proposed to discontinue, he would advocate no material alteration in the present scheme of studies followed in the general branch, and he recommended the retention of the present fee of two rupees for that branch.

9. The course of legal instruction is to comprise the Law of Evidence, the Hindoo and Mahomedan Laws, the Mercantile Law, the Procedure of the Courts and Regulation Law, Criminal Law, General Jurisprudence, and Political Philosophy; the whole subject is to be divided into six courses, and an entrance fee of 10 rupees exacted for each course (there being two in one year) from all persons seeking admission, with the exception of students in the general branch, who are to be admitted gratis. The law students are to be permitted to attend lectures

* Letter from the Secretary to the Council of Education at Calcutta to the Secretary to the Government of Bengal, dated 10 March 1854.

† Letter from the Secretary to the Government of Bengal to the Secretary to the Council of Education, dated 10 April 1854.

lectures in moral or mental philosophy or political economy without further payment.

10. We have approved of the scheme propounded by the Director, as adapted to the moderate standard of public instruction yet attained in this Presidency. We have, however, suggested the addition of logic to the regular course of study at the college, when the number of students in the general branch of the senior department shall be sufficient to justify the employment of an additional professor for the purpose.

11. The other points submitted in Mr. Arbuthnot's communication are his proposal—

1st. That the standard of qualification for admission into the legal branch be not for the present fixed so high as that exacted at Calcutta, but be from time to time regulated by the principal of the college, in communication with the gentleman who may be appointed professor of law.

2d. That a degree in law conferred by the university to be hereafter founded should entitle its holder to practise as a pleader in any of the Company's courts, and preference be given to him, *ceteris paribus*, over other candidates for the situation of Government pleader in the zillah courts or for that of native judge.

3d. That a professor of law be appointed, on a monthly salary of 300 rupees.

4th. That until it has been decided what the arrangement shall be for providing a training institution for masters, the primary school be, as a temporary measure, retained on the premises at present occupied by it, but that the principal be at once relieved from its superintendence, as a duty incompatible with his other more important avocations.

5th. That the salary of the principal, Mr. Powell, be increased from 700 rupees, plus the allowance for house rent, 80 rupees, to a consolidated salary of 1,000 rupees per mensem, and that the pay of the professor of English literature and English composition be raised from 350 to 400 rupees a month.

12. We sanctioned these several arrangements, inclusive of the endowment of a law professor on 300 rupees per mensem, and the increase recommended to the salaries of the principal and the professor of English literature.

13. We noticed with much pleasure the testimony borne by the Director to the zeal and ability with which Mr. Powell had discharged his important duties during a period of 14 years. To his unwearied, and since the first establishment of the High School in 1841, almost unaided labours, is owing nearly all the progress that has been made in the cause of education in the Presidency up to the present time.

14. In regard to the standard of attainments to be exacted from candidates for admission into the law branch of the college proposed to be regulated by the principal in communication with the professor of law, we desired that the standard determined should be made subject to the confirmation of the Director, who was to refer to us, if he saw occasion.

15. We have granted an authority for continuing to the Mahratta teacher, whose services are to be dispensed with, his salary of 60 rupees per mensem for such period, not exceeding a year, as he may be left without employment, and approved of the boys hitherto attending the Mahratta classes being drafted into the Telugu and Tamil classes.

16. We have forwarded, for the approval of the Government of India, draft of a notification, submitted by the Director of Public Instruction, which it is proposed to issue, setting forth the rules and conditions under which grants in aid of schools already established, or proposed to be established, by private individuals, will be made by the Government of this Presidency; the amount to be expended for the purpose being for the present limited to 25,000 rupees per annum.

17. We have deemed it expedient to defer laying down any fixed rules for grants

grants in aid of scholarships and of stipends for normal students, until the inquiries of the inspectors shall have furnished us with better data than we at present possess for deciding as to the principles upon which grants for such purposes may be most judiciously regulated.

18. We have the honour to inform you that we have appointed the Reverend Mr. Richards, chaplain of St. Thomas's Mount, and Mr. J. G. Thompson, of the civil service, to be inspectors of schools under the new educational arrangements, on a salary of 1,000 rupees each per mensem. They will also draw, when travelling on duty, the same rates of travelling allowance as are given in Bengal, viz., a travelling allowance of eight annas per mile for the distance actually travelled, and four rupees per diem for the time that they may halt on duty, provided, however, that they are not to draw at any one time for more than 12 days at the same place.

19. With reference to the first of these two appointments, we have to bring to your notice that Mr. Richards is an assistant chaplain of more than eight years' standing. He has completed nearly half his prescribed term of service, and subscribed largely to the Military Fund. He has therefore not been willing to forego these advantages, and has accepted the new office only on the condition that it does not prejudice his position and privileges as assistant chaplain, that his name is still to be borne on the Madras Ecclesiastical Establishment, that his promotion is to go on in due course, and that he is to be at liberty to revert to his duties as chaplain should he at any time be desirous of so doing.

20. Deeming that Mr. Richards is peculiarly well qualified for the post of inspector, and that it is of much consequence to secure his services, especially in the inauguration of the educational arrangements for this Presidency, and at a time when parties duly fitted for the duty are so very difficult to be procured, we have acceded to these terms, subject to the approval of your Honourable Court.

21. As, however, by the employment of Mr. Richards on other duty the number of assistant chaplains available is reduced below the regulated standard, we have the honour to request that your Honourable Court will send out another assistant chaplain at your early convenience. Should Mr. Richards at any time revert to his clerical duties, and the number of effective chaplains be thereby raised beyond the prescribed standard, the last upon the list may be borne as supernumerary until absorbed.

22. In compliance with his application, we have permitted the Director of Public Instruction to authorise Mr. T. Key, late superintending surgeon on the Madras Establishment, and one of the Governors of the Madras University, by whom the masters sent out from England last year for the provincial schools were procured, to guarantee such salaries as might be requisite to obtain the services of four competent masters, for employment in schools to be established in the provinces, on the understanding that the aggregate amount of their salaries was not to exceed 1,200 rupees per mensem; leaving the sum to be fixed on in each individual case to Mr. Key's discretion.

23. We have further authorised the Director to provide Mr. Key with funds to the extent of 800 l. to enable him to advance the sums required for the passage money and outfit of the masters selected by him.

PUBLIC LETTER from Fort St. George, dated 11 February (No. 3) of 1856.

1. IN continuation of our despatch, No. 31 of 1855, we now report our further proceedings in connexion with the advancement of education in this Presidency.

2. We have submitted to the Government of India the detailed statements,*
called

* In Diary to Cons., 11 September 1855, Nos. 19 to 21. In Cons., 5 February 1856.

called for by them, of establishment in the Educational Department, submitted by the Director of Public Instruction, to the extent which the present circumstances of the country allowed of his doing. His report on the subject showed that he had very carefully considered the scheme in all its details; and, in expressing our approval of his proposals, we recommended them, with slight modification, for the sanction of the Supreme Government. For our observations on the principal points treated of by Mr. Arbuthnot we would refer your Honourable Court to our letter to that Government of the 8th September 1855.

		Per Mensm.			
Superintending establishment	Rs.	13,335	-	-	
Presidency College	-	4,956	8	-	
Normal school	-	2,251	8	-	
Provincial and zillah schools	-	9,542	-	-	
Talook schools	-	3,700	-	-	
Book depository	-	130	-	-	
Printing presses	-	310	-	-	
Scholarships	-	1,000	-	-	
		35,225	-	-	
			12		
Per Annum	-	Rs. 4,22,700	-	-	

under eight separate heads, as per margin, making a total annual expenditure of 4,22,700 rupees, which, however, will be reduced by the modification we have proposed in the printing press establishments, to 4,21,464 rupees. We should here mention that the immediate expenditure of the whole of this sum is not contemplated, because the means of employing the whole of it are not at our disposal, but that it represents the maximum expenditure which it is proposed to incur in carrying out, to the extent detailed under the several heads, your Honourable Court's scheme for the inauguration of a system of national education.

4. Pending the receipt of the orders of the Supreme Government, the provisional entertainment of the establishments detailed para. 19 of Mr. Arbuthnot's report were sanctioned by us, at a monthly cost of Rs. 2,883. 8.

5. We have recently received those orders, and forwarded them for the information of your Honourable Court. The Government of India, it will be seen, have sanctioned, subject to further consideration at the end of the year 1856-57, all the proposed establishments except the salaries of the inspectors, which have been modified, and the applicants of assistant inspectors, which have been objected to altogether.

6. Having referred for the opinion of the Director of Public Instruction the reports of the sub-committees of the Indian University Committee,* we forwarded to them copy of his reply, with the expression of our concurrence in the views therein expressed, with but one exception.

7. Mr. Arbuthnot suggested the omission of certain works from the list of Latin and Greek books specified for the degree of bachelor of arts.

8. We did not think it advisable to restrict the number of books which were to be employed in the examinations more than was necessary, and some of those mentioned by Mr. Arbuthnot were not of extraordinary difficulty, and were in general use; but it might, we observed, be that Mr. Arbuthnot, when making this suggestion, had solely in view the system of examination by papers only, which it was the intention to adopt in this country.

9. We took this opportunity of recording our dissent from this system, when proposed, as in the present instance, as a general plan for national education.

10. In the case of selection for particular professions, we could, we observed, fully understand that, as special qualifications were required, so the examinations should be confined to particular subjects, and examination papers might be prepared accordingly.

11. But when the general education of a whole nation was in question, it appeared to us that the freest scope should be given to the independent action of individual minds, and we were very strongly of opinion that that full and free scope which we would desire to see permitted could not be obtained unless *visà voce* examinations were introduced to some extent.

12. They need by no means, we stated, interfere with trials by questions on paper, which were equally necessary, but did not admit, to an equal degree, of the exercise of judgment and taste in the selection of authors, nor allow of the admission of an extensive and varied course of reading.

13. The

* In Diary to Con., 7 August 1855, Nos. 19 and 20. In Diary to Cons., 20 November 1855.

13. The rules submitted by us,* under which grants in aid of education are to be made, having been slightly altered by the Government of India† to bring them into more complete conformity with your Honourable Court's despatch, No. 19 of 1854, and a rule added to them to declare expressly that grants in aid would be given only on the principle of strict religious neutrality, have, as thus altered, been approved by that authority as provisional rules for immediate adoption.

14. The buildings in which the provincial schools at Rajahmundry, Bellary, Cuddalore, and Calicut are at present held, having been represented to us as ill adapted for the purpose,‡ we directed the chief engineer in the Department of Public Works to issue instructions to the civil engineers in the proper divisions to prepare, in communication with the Director of Public Instruction, plans and estimates for the erection of school-houses at the stations above-named.

15. The Director submitted to us an application from the school sub-committee at Mangalore for grants in aid to the schools supported by the Basle Evangelical Missionary Society in that district. § In reference to their English school, which he had personally inspected, Mr. Arbuthnot stated that it was held in high estimation by the European functionaries of the district, and he had no doubt it would render unnecessary the establishment of a Government zillah school at Mangalore.

16. The committee having engaged to comply with the conditions of the educational notification on the subject of grants in aid, we, on the recommendation of the Director, sanctioned an allowance, from the 1st December 1855, of 62 rupees per mensem towards the payment of the salaries of teachers, its continuance being subject to the report of the Government inspectors. We also sanctioned a donation of 450 rupees for the purchase of philosophical apparatus for the English school, towards the purchase of the site of one of the society's Canarese schools, and towards providing for the rent and fitting up of the Brahmin girls' school.

17. There being no public building available at the Presidency as an office for the Director of Public Instruction, and as a depôt for school books, maps, and other school apparatus, we have authorised that officer to engage a house, which he has selected as well adapted for his purpose, at a monthly rent of 100 rupees. ||

18. We have sanctioned the expenditure incurred on account of the Madras University and the provincial schools during the last six months of the official year 1854-55, as per abstract account of receipts and disbursements, submitted by the Director, amounting in the aggregate to Rs. 38,286. 12. 10. ¶

Madras University,	Rs. 25,520	-	8
Provincial schools,	12,766	12	2
	<u>Rs. 38,286</u>	<u>12</u>	<u>10</u>

19. In your despatch of 20th December 1854, Public Department, No. 96, your Honourable Court expressed your entire concurrence in the proposal of the Most Noble the Governor General,** that whether by the extension of Major Maitland's school, or by its incorporation with a larger institution, upon the principle of the Thomison College at Roorkee, a complete system of instruction should be provided at Madras for every class belonging to the Department of Public Works, Europeans, East Indians, and natives, whether artificers, foremen, overseers, surveyors, or civil engineers. Your Honourable Court added, "We trust it will always be borne in mind that practical knowledge of mechanical engineering is essential to the perfect efficiency of a civil engineer."

20. In your despatch of 2d May 1855, Public Department, No. 24, on the subject

* Despatch No. 31 of 1855, para. 16.

† In Diary to Cons., 21 August 1855, Nos. 8 and 9.

‡ In Diary to Cons., 6 Nov. 1855, Nos. 21 and 22. In Diary to Cons., 11 Dec. 1855, Nos. 17 and 18.

§ In Diary to Cons., 11 Dec. 1855, Nos. 13 and 14.

|| In Cons., 7 August 1855, Nos. 72 and 73.

¶ In Diary to Cons., 28 August 1855, Nos. 20 and 21.

** In D. P. W. Con., 29 May 1855, No. 17. Diary to Cons., 21 August 1855. Diary to Cons., 11 Sept. 1855. Diary to Cons., 2 Oct. 1855.

subject of Major Maitland's school, your Honourable Court stated, "We have now, in compliance with the recommendation of the Government of India, sanctioned the establishment of a college of civil engineering at Madras, and all necessary instructions relating to it will be communicated to you by that Government." "Any definitive arrangements made in respect to this Carnatic artificers' school must," it was added, "depend upon the measures to be proposed by the Government of India."

21. No communication has been received from the Governor of India containing instructions to the effect noted in the above despatch; and, prior to its reaching Madras, the Director of Public Instruction had been desired to suggest the arrangement which he would recommend for the contemplated college.

24 of 1855, Public
Department.

22. In the opening of his report, of which a copy is now sent, Mr. A. J. Arbuthnot, it will be seen, recapitulates the steps which have hitherto been taken in the Madras Presidency for providing the necessary means of instruction and training of persons intended for employment in the Department of Public Works. He then proceeds to consider the question which he deems to be left open by the terms of your Honourable Court's late despatch, whether Major Maitland's school should be taken as the basis of the new civil engineering college, or whether the college should be constituted as an entirely distinct establishment. His reflection and inquiry upon the subject have led him to prefer the last of the two alternatives.

23. The reasons which have induced the Director to consider that it would not be advisable to adopt Major Maitland's school as the ground-work for the new institution, are—

1st. That the system of military discipline, which is a prominent feature in the plan of Major Maitland's school, and which, as the artificers under his command form a military corps, could not, it is to be presumed, be dispensed with, would practically operate as a bar to the more respectable classes of natives taking advantage of the institution, and would in consequence be a serious hindrance to its efficiency.

2d. That the duties which would devolve on the principal of the engineering college and those devolving on the superintendent of the gun carriage manufactory have no necessary connexion; that it is by no means certain that Major Maitland's successor in the latter office will be competent for the duties of the former, and therefore it is not expedient to attach the office of principal or superintendent of the new institution to that of the superintendent of the gun carriage manufactory. Mr. Arbuthnot enlarges upon these considerations in paras. 26 and 27 of his report.

24. The Director then adverts to what has been held to be the peculiar merit of Major Maitland's system, viz., that the education imparted by it is of an eminently practical character, the pupils being required to master some one or other of the handicraft trades in the works going on in the gun carriage manufactory. He notices that the trades there followed are not, however, those most in use in the Department of Public Works, being chiefly of carpentry or smiths' work, whereas the trades which are most essential to a civil engineer, overseer, or masonry, are those connected with buildings, brickmaking, mixing of mortar, earthworks, and waterworks.

25. Having thus explained the reasons which have brought him to the conclusion that the civil engineering college should be an independent establishment unconnected with the Carnatic artificers' school, Mr. Arbuthnot next submits his scheme for the proposed institution. His plan is a modification of that sketched out by the Commissioners for Public Works in their report, paras. 618-636, the principal deviations from it consisting in the admission of all classes of persons into the several departments, and the substitution of a certain number of scholarships to be opened to public competition for the payment of stipends to all the students in the institution. The standard of admission and course of instruction prescribed by the Commissioners are to be adopted, and, as advised by them, the English language is to be the sole medium of instruction; but as a general rule a sound colloquial knowledge of one vernacular language is to be exacted from all candidates except Europeans, who will, however, be required similarly to qualify themselves before employment in the Public Works Department.

26. The

26. The cost proposed is,

	Monthly.
Principal staff salary - - - - -	Rs. 700
Professor of civil engineering and architecture - - -	600
First mathematical master - - - - -	300
Second - ditto - ditto - - - - -	200
Surveying master - - - - -	250
Drawing - ditto - - - - -	250
Mechanist - - - - -	250
	2,550

To which will have to be added—

Instruments and tools per mensem - - - - -	400
Workshops - - - - -	250
Brick-fields and lime-kilns - - - - -	200
Books and stationery - - - - -	500
Establishment of servants, &c., about - - - - -	400
Scholarships - - - - -	300
House rent - - - - -	250

TOTAL - - Rs. 4,850

27. The principal will be a military man, and preferably an officer of the corps of Engineers.

28. Having attentively considered the plan of the civil engineering college propounded by the Director of Public Instruction, as sketched in the preceding paras., and believing the objections urged against the adoption of the Carnatic officers' school as a basis of the college to be valid, more especially that of the essentially and necessarily military character of the institution, and of the discipline to be maintained in it, we approved generally of the arrangements which had been submitted by Mr. A. J. Arbuthnot, and recommended them, and the establishment for carrying them out, for the sanction of the Government of India, at a cost of 4,850 rupees per mensem, or 58,200 rupees per annum.

29. With reference to the observations of the Director in para. 26 of his report, we remarked that we could in no way recognise nor tolerate any such prejudices on the part of the natives as would disincline them to send their children to such establishments as Major Maitland's school on account of the manual labour which forms part of the course of instruction; what we most required were practical men who knew their business, and none were likely to acquire practical habits unless they were obliged to learn some particular trade. The Director's estimate included charge for instruments, tools, workshops, brick-fields, and lime-kilns; and we were of opinion that every student should be required to master some one trade or craft, his knowledge of which should not be merely theoretical or confined to general principles, but practical, extending to a familiarity with details and acquaintance with the use of tools and implements, gained by personal labour in the yard or workshop.

30. The Director had concluded by remarking that if his arrangements were approved, Major Maitland's school would, he presumed, be restricted to the purposes for which it was established by him, viz., the education of the Ordnance artificers under his command. From this body the majority of the artificers required for employment in the Public Works Department would be selected; and while the design of the school would be limited to the education of artificers, all due facilities should be offered to those who might manifest an aptitude for scientific duties to enter the Public Works Department.

31. To these views we quite subscribed; but we believe that, in order that Major Maitland's school should be in a condition to supply any considerable number of artificers to the Public Works Department, in addition to the Ordnance, it would need to be increased. We have accordingly requested the Director of Public Instruction to state, after communicating with Major Maitland and the chief engineer, to what extent the increase should for the present take place.

32. In connexion with this subject, we beg to lay before your Honourable Court copy of a letter from the chief engineer in the Department of Public Works, and a memo. from Major F. C. Cotton, one of his deputies, in which both those officers have expressed views adverse to the combination of the civil engineering college with the Carnatic Ordnance artificers' school.

EXTRACT Public Letter from Fort St. George, dated 11 November (No. 34), 1855.

In Diary to Cons.,
1 July 1856 (Nos.
12 and 13); 26
August 1856; 9
September 1856.

4. With his letters of the 19th May and 10th July last, a printed copy of which is now forwarded, the Director of Public Instruction submitted tabular statements of the applications which he had received for grants in aid of schools unconnected with Government, with the recommendation of the inspector, and his own recommendation in each case.

5. The merits of each application appear to have been well considered by Mr. Arbuthnot, and the grounds upon which his recommendation in every case is based (an abstract of which is given in the tabular statements) are very fully detailed in the body of his letters.

6. Under the authority of the Government of India, conveyed in their despatch of the 11th May 1855, we sanctioned the grants recommended, involving an estimated expenditure for the current official year, exclusive of the amount already sanctioned of Rs. 17,759, as shown in the margin.* Deducting the whole amount thus placed at the disposal of the Director from the expenditure authorised by the Government of India, the remainder available for further grants is only Rs. 5,897.

7. It will be seen from his letter of the 10th July last, that the Director had received further applications for 20 schools, which had still to be reported on, and that the grants which would probably be required for these were roughly estimated by him at Rs. 12,000. We expressed our willingness to assent to the arrangement proposed in the concluding para. of that letter for supplying the deficiency in the amount available for grants in aid to the extent required to meet the above sum, but deferred passing orders on the subject until we were in the receipt of a further report upon the applications in the list marked A, in respect to which no information had yet been furnished by the inspector. Pending Mr. Arbuthnot's reply, we considered it advisable to request the opinion of the Supreme Government as to whether the proposed arrangement would be in accordance with the spirit of their instruction to the Governments of Bengal and Agra, contained in their despatches, dated 26th January 1855.

Sec Despatch, 11
February, No. 3 of
1856, paras 15 and
16.

8. The greater part of the amount placed at the disposal of this Government has thus been already absorbed, and the remainder will scarcely suffice to meet one-half of the applications which have since been received. It appeared therefore to us so manifest that a much larger sum must eventually be allowed for grants in aid in this Presidency, that it was, we thought, perhaps useless to attempt anything like an equal distribution of the present amount. At the same time we pointed out to the Director that it would be well to avoid the allotment of an unduly large share to any particular locality; and in the case of Mangalore, where a grant to one school of Rs. 744 had already been sanctioned, the application for a second grant of Rs. 1,200 for another institution must be carefully considered and reported on.

9. We

	Rs.
* Amount recommended in letter of 19 May	12,058
Ditto - - ditto - - - 10 July	5,701
	17,759
Already sanctioned	1,344
	19,103
Still available	5,897
	Rs. 25,000

9. We considered that the Director was right in not establishing zillah schools in places where private schools already existed, when they were properly conducted, or when the managers would attend to his suggestions for their improvement, as at Trichinopoly. Assistance however should, we observed, be refused where information was not furnished, when required by the Director, as in the instances of the town and village vernacular schools, entered as No. 12 in Statement A, and the Madras native progressive seminary, No. 18 of the same return.

EXTRACT Public Letter from Fort St. George, dated 25 August 1857 (No. 17).

Para. 2. In his letter of the 27th November last, the Director of Public Instruction laid before us a proposal, emanating from the principal of the normal school, and approved by Mr. Arbuthnot himself, involving a complete re-organisation of the establishment of that institution.

In Diary to Con.,
13 Jan. 1857, Nos.
23 and 24.

3. This institution, it was observed, had hitherto been divided into two parts. The training department, where the normal students were instructed in the practice of teaching, and the primary school, designed both for the education of junior boys, and as a field wherein the theoretical knowledge of the normal students might be turned into practice.

4. In the first of these departments the assistant master appeared to be of no material assistance to the principal. There were 12 subjects of study, of which the assistant took but three; so that, besides the general duties of superintendence, the principal was called upon to teach no less than nine of the higher branches of study. Every lecture was intended as a model for the imitation of the students; but where so many subjects were left to one head, it was clear, the principal observed, that vigorous and lucid expositions of each could not be expected. Next year, too, the subjects would increase in difficulty. It was evident, he submitted, that the division of labour was unequal, and that under it, thorough efficiency of teaching could not be looked for. Again, in addition to his attendance in the lecture-room, efficiency as a teacher was further dependent on the normal students' opportunities for practice. This practice should be carried on under the eye of a superior master, one competent to point out to the future teacher the errors into which he might fall, and the way to remedy them. The primary school, hitherto, had, it was remarked, no such model master. The deficiency was in part supplied by the zeal of the principal, but his onerous duties in other departments rendered it desirable that he should be relieved from this description of work as early as possible.

5. It was next represented that the lower department of the institution, the primary school, was susceptible of many improvements.

6. In the first place, its size, there being 300 boys under instruction, rendered it unwieldy. To remedy this, the school had for some time past been divided into two great classes; the first, containing 100, taught by the pupils under instruction with the principal, and forming the practising school; the second, containing the remainder, taught by the master and his assistants, and receiving less minute supervision from the principal.

7. The original staff is given in the margin, and it was suggested that by carrying out the following changes, the department might at once be made an efficient element in training teachers and imparting at the same time a better education to its own pupils.

	Rs.
Master -	200
6 Assistants -	330
6 Moonshes -	230

Rs. 760

Proposed Change.

Master of Practical School	-	-	-	-	Rs. 180
Ditto of Model - ditto	-	-	-	-	" 150
3 Assistant masters (at present)	-	-	-	-	" 150
6 Moonshes (at present)	-	-	-	-	" 230
					<u>Rs. 710</u>

8. The use of the practising department would be to familiarise the normal pupils with good models of teaching, whilst the model school would show them how best to conduct the general management and duties of a large school. The assistant masters would only be temporarily required. It was proposed to supply their place by pupil teachers, selected from the most promising pupils in the primary school, who were to be paid and retained for four years, at the end of which period they would be eligible, by examination, to scholarships, and for admission, according to their merits, into the ranks of the normal pupils. This plan, if carried out, would not only be found cheaper than that hitherto observed, but be the forerunner of an incalculable amount of good; so far more valuable, in the opinion of the principal, were the services of good pupil teachers than those of assistant masters. In the hands of the former, the vernacular teaching also could be made a most appropriate instrument of education. It had hitherto been imparted in a most unskilful manner, so much so, that the study of that which must always be the great medium of educating the majority was, by the mode pursued by the present moonshees, almost a waste of time.

E. M. C. 31 January 1856.

Salaries at present assigned :			Rs.	a.	
Assistant training master	200	-			
Primary head master	-	200			
Second ditto	-	-	50		
Third, fourth, and fifth, at 35	-	-	-	105	
Writing master	-	-	40		
Principal's clerk	-	-	30		
Vernacular, head Tamil and Telugu pundits, at 50 and 40	-	-	-	90	
Two second pundits, at 30	-	-	60		
Two second third ditto, at 25	-	-	-	50	
Total	-	-	Rs. 825	-	

Proposed Establishment :			Rs.	a.	
Assistant training master	250	-			
Assistant vernacular master	200	-			
Primary :					
Master of practising school	180	-			
Master of model school	-	150			
Gratuity for instructing pupil teachers	-	-	30		
Average of stipends for six pupil teachers	-	-	50	8	
Tamil, two pundits	-	-	85		
Telugu, two ditto	-	-	70		
Total	-	-	Rs. 1,015	8	

9. From Mr. Arbuthnot's letter, it appeared that out of 1,045 rupees, the amount sanctioned for the subordinate establishment of the Government normal school, the Director, under the discretion given him by us, had assigned 825 rupees only. The changes contemplated by the principal would not involve any permanent charge, beyond the sum sanctioned. The original establishment and that proposed are exhibited in the margin. The leading changes in the principal's scheme, as observed by Mr. Arbuthnot, were the appointment of an additional assistant training master for the behoof of the normal students, and the substitution of two well-trained masters, one to preside over the practising, and the other over the model school, the latter aided by pupil teachers, in lieu of the present agency. For a few months it was proposed to retain three of the existing assistant teachers, pending the preparation in their necessary duties of the pupil teachers of the model school, but this of course would form but a temporary charge.

10. The only material difficulty in introducing the change would consist, it was observed by the Director, in the disposal of Mr. McLeish, the present head master of the primary school. Under the new system, Mr. McLeish, it was pointed out by the principal, was not the man for his post. Mr. Arbuthnot proposed to transfer Mr. McLeish to the head mastership of a provincial school, and to call upon him to resign the service after he had served the full time, 20 years, for a pension, provided your Honourable Court were pleased to dispense, in his case, with the usual certificate of physical incapacity required under the rules in force for the uncovenanted branch of the service. As to the subordinate teachers in the English department of the primary school, they could be drafted into other schools or dismissed, if their services were no longer required, with gratuities.

11. We were of opinion that the principal of the training institution had satisfactorily shown that the present establishment was insufficient. A greater division of labour was required in the normal school, and an efficient assistant to the principal was obviously necessary. In the present state of education, with the large proportion of pupils, comparatively but slightly instructed, who resorted both to the normal and primary (or practising) classes, it was clearly necessary that more time should be devoted to elementary education. In a training institution, the principal object to be attended to was the theory and practice of teaching, and the principal should be relieved from all elementary work that would restrict him from giving his entire time to that important labour, and the general superintendence of the institution.

12. We further considered the scheme proposed by Mr. Fowler for forming the primary school into two divisions, one to be retained for its original purpose of a practising school; the other two to be, what is called by him a model school, to be well conceived, and to hold out the prospect of very evident advantage. The model school, in particular, promised to be especially useful, by affording an opportunity of teaching the pupils how a school might be worked efficiently by a single master. It was probable that, for some years to come, a single trained master to each mofussil school would be as large a supply as could be furnished. Besides its advantages to the system in forming a field for the practice of the future master, the model school would constitute an excellent nursery from which to recruit the class of normal pupils.

13. We concurred with Mr. Fowler and the Director in viewing the present head master of the primary school as unequal to the efficient discharge of that office. Mr. McLeish's character stands very high, and in such duties as have devolved on him hitherto he has evinced great diligence, and conducted himself most creditably. Under the present improved system, however, he cannot hold his place, and it will be desirable to dispose of him in the manner suggested by Mr. Arbuthnot. We cannot doubt that, under the peculiar circumstances of the case, your Honourable Court will take a liberal view of Mr. McLeish's application for a pension.

14. While we approved Mr. Fowler's plan generally, some objections to its details had occurred to us which we considered well to notice. In the first place, it appeared to have been framed too much with reference to the present officials of the institution. The post of assistant (training) master, in the native languages, assigned to Mr. Joyes, comprised duties such as that teacher, who had hitherto filled very creditably the useful office of vernacular master, would hardly be competent to discharge; and the salary, 200 rupees, proposed for him, was larger than he could expect. With the same view the scheme for a normal class of vernacular teachers appeared to have been devised, an arrangement which, in our opinion, was objectionable. Mr. Joyes could not be considered equal to the task of instructing such a class in the "art of teaching," and from the principal and other masters he would, obviously, receive no assistance in his department. It could scarcely be expected that these youths could be turned out as qualified teachers in six months, even supposing that they had already been for some time in the primary school, which did not, however, appear to be deemed a necessary preliminary. Thus, persons desirous to qualify as vernacular teachers only, would not necessarily have even the smattering of knowledge that candidates bring from the English schools they have attended, before presenting themselves at the training institution.

Vide para. 7, of Principal's letter.

15. If the salary assigned to Mr. Joyes were too high, that proposed for the two masters from England seemed, on the other hand, too low, as were also those assigned to the native vernacular teachers. A distribution, as per margin, would, it seemed to us, have been a better arrangement.

16. Although, however, the scale of establishment proposed by the principal appeared to us to be susceptible of improvement, we did not press that objection, but sanctioned the scheme as it had now been submitted to us, under the discretion allowed by the Government of India in their letter, 5th January 1856.

	Rs.	a.
Assistant training master	250	-
Assistant training master	150	-
Master of practising and model schools, at 200 each - - -	400	-
Pupil teachers - - -	90	-
Two head pundits, at 50	100	-
Two assistant ditto, at 35	70	-
	Rs. 1,060	-

General Department.—14 April (No. 48) 1855.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

WE have the honour to acknowledge the receipt of your Honourable Court's despatch, dated the 30th August (No. 39) 1854, and to transmit herewith copies of the documents quoted in the margin, relative to the measures which were

1855:
V. 2059 to 65.

taken by us up to the 31st March 1855, for the introduction into this Presidency of the scheme of education laid down in your Honourable Court's despatch to the Government of India, dated 19 July (No. 49) 1854.

We have, &c.
(signed) *J. G. Lumsden.*
A. Malet.

Bombay Castle, 14 April 1855.

No. 92 of 1855.—General Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

IN continuation of our letter No. 48, dated 14 April last, we have the honour to transmit to your Honourable Court copies of the documents quoted in the margin, relative to the measures which were taken by us up to the 30th June 1855, for the introduction into this Presidency of the scheme of education laid down in your Honourable Court's despatch to the Government of India, dated 19 July (No. 49) 1854.

1855:
V. 2682.
V. 3011 to 27.
V. 3169 to 73.
V. 3209 to 12.
V. 3287 and 88.
V. 3123 to 25.
V. 3684 to 86.
V. 3712 and 13.

We have, &c.
(signed) *J. G. Lumsden,*
A. Malet.

Bombay Castle, 28 July 1855.

EXTRACT Public Letter from Bombay, dated 1 November (No. 130) 1855.

3. UNDER date the 30th August 1855, the Director of Public Instruction submitted for our consideration the draft of a set of rules for the regulation of grants in aid in this Presidency. We are of opinion that these rules have been very judiciously and carefully prepared, but it will be observed, that we have deemed it expedient, before authorising their publication, to refer them for the approval of the Government of India.

EXTRACT Public Letter from Bombay, dated 16 February (No. 12) 1856.

Vrs. 6271 (with
printed copy of
accompaniments).
Vrs., 6272 to 80.

Para. 2. As Collection No. 1, we forward copy of a communication from the university committee at Calcutta, dated 10th July 1855, with the opinions obtained, and Minutes severally recorded by us relative to a scheme for the establishment of universities in India.

EXTRACT Public Letter from Bombay, dated 10 May (No. 43) 1856.

Grants in aid,
rules for regula-
ting.

1855:
V. 442 to 52.

12. THE proceedings, numbered as per margin, contain a copy of the rules which, with the sanction of the Government of India, we have caused to be published as provisional rules for the regulation of grants in aid of education in this Presidency. The former correspondence on this subject accompanied our letter, No. 130, dated 1st November last.

No. 53 of 1856.—General Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

IN para. 18 of your despatch to the Government of India, No. 65, dated the 27th June 1855, your Honourable Court, with reference to the opinion of that Government, that the system of pupil teachers was inapplicable to India, expressed a wish that a trial of it should still be made; and with the view to carry out these instructions which were communicated for our guidance by the Government of India, we requested the Director of Public Instruction to report as to the feasibility of giving the scheme a trial in the schools of this Presidency.

2. From

2. From the proceedings which resulted from the above reference, and of which a transcript is hereto annexed, your Honourable Court will observe, that the proposals submitted by Mr. Erskine were considered by us to be judicious, and calculated to carry out fairly the desire of your Honourable Court, but that before bringing the system into full operation, the further orders of the Government of India were solicited. V. 1455 to 58.
V. 2827 to 30.

3. We now beg to forward copy of a letter from that Government, No. 538, dated the 1st May 1856, being a reply to our reference on the subject above alluded to, as also on the subject of establishing two normal schools in this Presidency, regarding which a full report was made to your Honourable Court in our despatch, No. 15, dated the 29th February 1856, accompanied with a request that in consideration of the urgency of the case, your Honourable Court would be pleased at once to authorise Mr. Farrer to arrange for the selection of the European agency required for the superintendence of the proposed schools.

4. The Government of India, however, it will be perceived from their letter above quoted, object to the scheme of normal schools as recommended by us for the adoption of your Honourable Court, and we have therefore requested Mr. Erskine to submit a revised one, in accordance, as nearly as circumstances will admit, to the plan pointed out as desirable by the Government of India.

5. We have also requested Mr. Erskine to furnish the further information required by the Government of India as to the maximum number of pupil teachers to be selected each year, and we beg to state that our further proceedings on both of the subjects above referred to will be duly reported for the information of your Honourable Court.

We have, &c.
(signed) *Elphinstone.*
A. Malet.

Bombay Castle, 10 June 1856.

EXTRACT Public Letter from Bombay, dated 30 March (No. 30) 1857.

12. AGREEABLY to the promise made in para. 5 of our letter, No. 53, dated the 10th June 1856, we beg to report our further proceedings relative to the proposed establishment of two normal schools in this Presidency, and to a scheme for providing for the education of pupil teachers, who it was proposed were to have entered those schools for the purpose of receiving the necessary instruction in the art of teaching. Normal Schools.
Proposed establishment of—
1856:
V. 5710 and 11.
—
V. 2039 to 41.
V. 4029 and 29 A.
V. 4038 to 40.
V. 4420 to 22.
V. 5069 and 70.
V. 5286 and 87.
—
V. 4423 to 26.
V. 5544 and 45.
V. 5648 to 50.
V. 6485 and 86.

13. Your Honourable Court will observe, that the question of normal schools is still under separate consideration, and that with reference to the scheme for educating pupil teachers, the Director of Public Instruction has explained that the majority of the visitors of schools are by no means in favour of an attempt to introduce that scheme immediately, and that he also is of the same opinion.

14. To meet, however, the present want of properly-trained schoolmasters which is urgently felt in all quarters, Mr. Erskine, it will be observed, proposed, pending the adoption of the more comprehensive measures proposed by him, or such others as may eventually be approved in their stead, to trust to—

1st. Local general scholarships, on which subject he promised to address us hereafter.

2d. Classes of candidate masters.

3d. Elementary normal schools.

15. Adverting to the classes of candidate masters, we beg to refer your Honourable Court to para. 15 of our despatch, No. 43, dated the 10th May 1856, in which we reported that the Government of India had sanctioned the formation of one such class in each of the districts of Ahmedabad, Surat, and Dharwar. From our Proceedings, of which a copy is now forwarded, your Honourable Court will learn that similar classes have also been sanctioned for Poona, Ahmednuggur, and Tauna, and that the number of candidates in each of the classes at Surat, Ahmedabad, Poona, and Dharwar has been increased from 10 to 20.

16. With reference to the third of the means to which Mr. Erskine proposed to trust for a supply of properly trained schoolmasters, your Honourable Court will observe, that an elementary normal school has already been established at Poona, and that the existing normal class at Surat has been reorganised and a similar one established at Ahmedabad.

EXTRACT Public Letter from Bombay, dated 17 July (No. 59) 1857.

Letter, No. 40, dated 10 December 1856, paras. 5 to 11. Revising the proceedings of this Government on certain points involved in the general scheme of education contemplated by Mr. Erskine, and making certain remarks with reference to them.

Paras. 12 and 13. Requiring certain further information with reference to the rules laid down by this Government for the administration of grants in aid. 1856:—V. 3950 to 52; V. 5509 and 10. 1857:—V. 942 to 44; V. 1720 to 22; V. 1937 to 40; V. 2039 to 42; V. 2177 and 78; V. 2349 and 50; V. 2890 to 92.

91. WE have requested our Director of Public Instruction, after consideration of your Honourable Court's remarks, and after communicating with the educational superintending authority in the North West Provinces, as directed by your Honourable Court, to submit to us his opinion, and report on the subjects discussed.

92. Adverting to the subject of these paragraphs, we beg to refer your Honourable Court to the proceedings which accompany this letter as Collection No. 3.

Public Department.—18 April (No. 43) 1855.

Our Governor-General of India in Council.

Para. 1. WE now reply to your letters, dated the 20th October (No. 88), and 27th October (No. 91) 1854, in the first of which you forward correspondence relating to the extension of education in the Punjab, and in the second acknowledge the receipt of our despatch on the subject of general education, dated 19th July (No. 49) 1854.

2. We regret that in the despatch referred to we should have omitted to notice the judicious measures which had been taken by you to provide for the extension of indigenous schools in Bengal, Behar, the North Western Provinces, and the Punjab. You observe, with justice, that we were informed of these measures by your letter of the 4th of November 1853, No. 79. That letter was, however, not included in the mass of documents of various kinds relating to the state of education to which we then referred, and we were subsequently glad to find that you had anticipated our instructions in this respect.

3. It is highly gratifying to us that, in the opinion of the Chief Commissioner, "the people of the Punjab have a real desire for education, and would willingly second the efforts of the Government for the promotion of educational measures." The Judicial Commissioner describes the upper classes as displaying intelligence and inquisitiveness in respect to Asiatic learning and European science. "The agricultural classes, though uncouth, are," he says, "less apathetic and less illiterate in their tastes than might have been expected. The village accountants display a skill not surpassed, and often not equalled, in Hindostan. The working classes evince a considerable aptitude in mechanical art, and, on the whole, the Punjab is ripe for the introduction of an educational scheme."

4. It is unnecessary for us to observe upon the details of the measures proposed by the Chief Commissioner, as you are already in possession of our views upon the subject, which coincide entirely with his recommendations, and we have authorised you to carry them into effect. We observe that Mr. Montgomery recommended the establishment of a school for every circle of villages or "hulqua" by means of voluntary subscriptions. It appears to us that this suggestion may, if judiciously carried out, greatly aid the development of the scheme, and we shall be anxious to observe what success it has met with in the North Western Provinces, where it has already been partially tried.

5. We

5. We are glad to perceive, from the information given by Mr. Macleod, that in the Trans-Sutlej States there exist schools which may with advantage be assisted by grants in aid.

6. The observations made by Mr. Grant upon the subject of grants in aid, have not escaped our attention. Although we have deliberately arrived at the conclusion, that such grants are not inconsistent with religious neutrality, and have accordingly sanctioned their introduction, we fully appreciate the necessity which exists for the exercise of great caution in setting on foot a system which may possibly be open to misconstruction, and we fully confide in your discretion and care in framing the practical rules by which the grants will be distributed.

7. The suggestions of Mr. Montgomery, Mr. Macleod, and Mr. Raikes, with regard to the publication of a vernacular periodical for the purpose of conveying to the agricultural population interesting and useful information of various kinds appear to us to be well worthy of your notice, and we cordially concur with Mr. Macleod that it would be very desirable to lead and encourage the mass of the people to a better acquaintance with the principles of the British administration.

8. With regard to the language to be employed in the proposed periodical, and in the Government schools of the Punjab, it appears to us that Mr. Macleod's opinion, that "there is no reason to perpetuate the Punjabee, or even to check its decadence at the expense of the superior Hindostanee, by means of an educational system," is well worthy of your attention, not only with reference to the Punjab, but also to other provinces of which the vernacular language is rude, and wholly or almost exclusively confined to colloquial use, as we believe to be the case in Sind and elsewhere. It would confer a great benefit upon the people of India generally, if gradually, and without any steps calculated to offend local feelings or prejudices, but solely through the medium of the measures now in operation or contemplated for the improvement of education, Oordoo Hindostanee could be made familiar, in the first instance, to the educated classes, and through them, as would certainly follow, to the great body of the people, to the eventual supersession of inferior local dialects.

9. The attention which has been paid to the subject of education in the Punjab has given us sincere pleasure. We beg that you will communicate to the Chief Commissioner, to Mr. Montgomery, to Mr. Macleod, and to the other officers generally, our warmest thanks for their exertions. That those gentlemen have, amidst their other arduous and more pressing duties, been able to direct so large a portion of their attention to the promotion of education, affords to us fresh evidence of their energy and zeal, and of their desire to identify themselves with the feelings and interests of the people committed to their charge. The soundness of the conclusions to which they have arrived gives us, moreover, the best ground for anticipating that the success which they so justly merit will follow their exertions, and that the Punjab will present to the world a signal example of the benefits which British rule confers upon the natives of India.

10. We are glad to learn that you have been engaged in preparing measures for carrying out the extended system of education which we have sanctioned. Those measures necessarily require mature consideration: we place full reliance upon your judgment, and feel perfect confidence that you will continue to pay that earnest attention to the extension of education which has so constantly been shown by your Government, and which the great importance of the subject deserves.

We are, &c.

(signed) *E. Maenaghten,*
W. H. Sykes,
&c. &c. &c.

London, 18 April 1855.

Public Department.—27 June (No. 65) 1855.

Our Governor-General of India in Council.

Letter dated 26 January (No. 7) 1855.

Para. 1. IN this letter you report to us the preliminary measures you have adopted for carrying into effect our instructions of the 19th July 1854, for the extension and improvement of general education in India. Education.

2. These measures have reference to the machinery for managing the department of education, the establishment of universities, and the institution of a system of "grants in aid."

3. Under the first head you have resolved that a Director-general shall be appointed in each of the divisions of the Bengal Presidency, and in each of the Presidencies of Madras and Bombay, under whose superintendence the department of education shall be placed, and that to this office shall be assigned a salary varying with the standing of the individual nominated to it, but not to exceed 3,000 rupees per mensem. An officer, of course on a lower salary, will also be appointed to superintend education in the Punjab, and provision is made for the appointment of a limited number of inspectors throughout India, on salaries varying from 500 rupees to 1,200 rupees per mensem. We approve your proceedings on this point.

4. With regard to the universities some misapprehension has arisen in consequence of the terms of the 33d paragraph of our despatch, in which (our sentiments as to the objects and functions of those institutions having previously been fully declared) we stated our "desire that you take into your consideration the institution of universities at Calcutta and Bombay, on the general principles which we have now explained to you, and report to us on the best method of procedure, with a view to their incorporation by Acts of the Legislative Council of India."

5. You correctly remark that the direction here given is somewhat inconsistent with the tenor of other parts of our despatch, in which an intention was indicated that you shall proceed to organise the universities, concurrently with giving effect to the other measures enjoined by us. You have not, however, acted on this apparent intention, but have postponed the preparation of a Legislative Act, pending our further orders, having in the meantime delegated to the gentlemen designed to form the senate of the future university of Calcutta, the task of forming a scheme for the establishment of universities at the presidency towns of Calcutta, Madras, and Bombay.

6. When our despatch of the 19th July 1854 was first written, some doubt was entertained as to the authority from whom the act of incorporation for the universities should properly proceed, and it was thought necessary that your opinion on the point should be submitted to us before any formal steps could be taken. On our being satisfied that the Act ought to be passed by the Legislature of India, the paragraph relating to it was only partially altered, and thus the discrepancy arose which left you in doubt as to our meaning. We are of opinion that all the measures necessary for the constitution of the universities, should in the first instance proceed directly from your Government, and we accordingly authorise you to proceed in the matter in such a way as may seem best to you, without further reference to us. We would only remark that we approve your intention that the universities at the different Presidencies should be formed on the same general basis, leaving it to the senates of the several universities to form the detailed rules, with such variations as local circumstances may render advisable.

7. As regards the system of "grants in aid," you have decided that when the rules under which the system shall be carried out shall have been approved by you, the local Governments shall not be restricted in carrying it out by the rules which require all items of expense to be submitted for the sanction of the Government of India. It has not yet been decided in what way the total expenditure on these grants shall ultimately be limited, but for the present the local Governments have been authorised to make additional grants not exceeding, in the aggregate, five per cent. on the total amount expended on the direct educational operations of Government in their respective territories. Your resolutions on this head have our approval.

8. We regret to observe that the system of pupil teachers recommended in the 68th paragraph of our letter of the 19th of July 1854, is in your opinion inapplicable to India; but we still wish that the trial should be made, and we hope that experience will eventually justify the general introduction of the system.

9. There

9. There is nothing further in the proceedings now submitted to us, which calls for remark.

We are, &c.
(signed) *E. Macnaghten,*
W. H. Sykes,
&c. &c.

London, 27 June 1855.

EXTRACT Public (Education) Letter to India, dated 16th July (No. 64) 1856.

Letter dated 14th August (No. 57) 1855.

5. THE provisional rules for all the Presidencies, as finally sanctioned by you, seem to provide sufficiently for the objects mentioned in our despatch, No. 49 of 1854, and to guard against the possibility of a misconception of the intentions of Government in instituting the system of "grants in aid." The Bengal rules, the adoption of which in the North Western Provinces and Bombay, you suggested to those Governments respectively, are probably sufficient for immediate purposes; but the rules as submitted by the Lieutenant-governor of the North Western Provinces, seem to have been carefully drawn up, and even, if not formally promulgated, they may, with the exception as regards the schooling fee to which you drew attention, be taken as a guide by that Government in the administration of the system.

Also letters, 13 August (No. 67) 1855, p. 9; 27 August (No. 72) 1855; 5 December (No. 108) 1855. Rules for grants in aid in Bengal, the North Western Provinces, Madras, and Bombay.

Letter dated 27th July (No. 62) 1855.

6. No reply.

(Para. 1.) Education proceedings, 1st quarter of 1855, reported.

7. No remark.

(2, also para. 2 of letter dated 13 August (No. 67) 1855). Additions to the committee for preparing a scheme for universities in India.

8. The modifications which the Lieutenant-governor wished to adopt, related principally to the professorships of chemistry and botany, which he proposed to attach to the medical instead of the general branch of the college; to the professorship of mineralogy and geology, which he thought would more properly appertain to the college of civil engineering about to be established; and to the extent to which instruction in law should be afforded at the college. We agree in the views stated by your Government that instruction in the mere principles of law, excluding the teaching of particular systems, will not meet the objects proposed in the introduction of law as a course of study at the college, and which included the training of a class of men qualified, without further instruction, for introduction into judicial employment. We agree in the sentiments recorded by you upon the other points, but we think that the Lieutenant-governor, who will have the whole subject before him in one view, when he finally proceeds to carry out the scheme of the Government Colleges in all their branches, will be the best judge as to the particular manner in which the professorships shall be apportioned.

(3, 4.) Information furnished to the Madras Government respecting the general arrangements of the Presidency College at Calcutta, and Court's attention requested to the sentiments recorded on certain modifications proposed by the Lieutenant-governor in the Presidency College scheme.

Letter dated 13th August (No. 67) 1855.

22. The measures of the Bombay Government provided for the appointment of a director of public instruction, of three inspectors, and of a limited number of district visitors. We approve your refusal to sanction either the employment of Mr. Harkness as an inspector, so long as he shall hold the appointment of principal of the Elphinstone Institution, or the grant of a personal allowance of 200 rupees per mensem to Major Candy, principal of the Poonah College, "in order to put him on an equality, in point of pay, with the highest inspector."

(10 to 17). Measures of the Government of Bombay for the introduction of the new scheme of education into that Presidency.

23. Your decision that "the appropriation of special grants to local Governments for education, and the existence of separate funds for that purpose, apart

from the general resources of the State (except private endowments and other local funds), must cease under the new system, and that the expenditure of the department should be regulated under the same checks that are applicable to every other department of the public service," is in accordance with the orders which we have already issued to the Government of Fort St. George, and was properly communicated to the several local Governments.

Letter, dated 12 October (No. 88) 1855, transmitting with reference to Court's despatch, No. 65 of 1855, a report from the University Committee on the progress made in the preparation of a scheme for the establishment of universities in the several Presidency towns.

26. We still await the result of the reference to the local Governments on the scheme of the committee, and of the further deliberations of the committee on the subject.

40. The system of education in India being now consolidated by our recent instructions, we desire that an annual budget of expenses, with the necessary explanations, be periodically sent to us.

EXTRACT Public (Education) Letter to India, dated 18 February (No. 35) 1857.

Education Letter, dated 29th January (No. 5) 1856.

The organisation, experimentally, of 60 circles of schools in some of the districts under the inspector of education for Eastern Bengal, sanctioned, at a maximum aggregate expense of 1,500 rupees per mensem.

Para. 7. THE plan of Mr. Woodrow for the improvement of the indigenous vernacular schools in his division is based on the retention of the existing schools, which are, however, to be formed into circles, to each of which a teacher of a higher class is to be appointed, who shall afford instruction to the upper boys in each school, superior to that which the gooroomahashay, or village master, is competent to impart. The gooroomahashays are to be conciliated by pecuniary rewards of small amount, proportioned to the number of boys of certain specified standards of attainment who may be found in their respective schools; and the tendency of the boys to leave school at an early age is to be overcome by small gratuities to those boys remaining at school, who may possess a certain specified amount of knowledge in various branches of study.

8. We approve Mr. Woodrow's desire to make the utmost possible use of existing means of education, and to avoid, as much as possible, the supercession of the former teachers of indigenous schools, which seem, notwithstanding the small amount of instruction which they afford, to have naturally a considerable hold on the minds of the people. It is hoped by Mr. Woodrow, and seems not improbable, from the result of the limited experiment which has already been made, that the plan may have the effect of stimulating the conductors of indigenous schools, the gooroomahashays, to self-improvement; and on the whole, we agree with you in thinking the scheme well deserving of trial on an enlarged scale, and accordingly approve the sanction given to the recommendations of the Bengal Government.

Education Letter, dated 31st January (No. 6) 1856.

Reporting an alteration made in the 3d section of the rules, in force in Bengal and the North Western Provinces, for the regulation of grants in aid.

9. The trifling alteration here reported calls for no remark.

10. We observe that the Lieutenant-governor of the North Western Provinces repeats the apprehensions, which he had previously expressed, as to the effect of the rule requiring that, in all schools receiving grants in aid, a fee shall be required from the pupils. It is stated in the letter of Mr. Muir, "All the valuable independent institutions for instruction, within the limits of this Government, are primarily for missionary purposes, and it is a fundamental principle of missionary establishments, that the benefits of religious and secular knowledge should be communicated gratuitously to children of the lower and indigent classes. This principle is directly in conflict with that which has been prescribed in the instructions now received on the subject, and it would be a matter of much concern that, from discordant views on such a minor point, the opportunity of accomplishing the great ends for which the plan of grants in aid is designed should be lost, or in any material degree delayed."

11. We

11. We feel bound to maintain the principle, laid down in our despatch of the 19th July 1854, that "as a general principle," the aid of Government shall be afforded to those schools only where some fee, however small, is demanded from the pupils. At the same time we should, equally with Mr. Colvin, lament the failure of the attempt to bring into extended operation the system of grants in aid, to which we attach the greatest importance as an auxiliary to the direct measures of our governments in India, for the extension and improvement of general education. We do not, however, anticipate such a result, and it will be sufficient to consider the measures to be taken to meet the exigency, should it hereafter arise.

12. These model schools having been established in pursuance of a general plan which has already received our approval, these proceedings call for no remark except the expression of our satisfaction that the scheme is in progress of actual execution.

Education Letter, dated 1 February (No. 7) 1856.
In continuation of letter No. 12, of 1855, regarding a scheme of vernacular education for Bengal, forwarding correspondence with the Lieutenant-governor, relating to the establishment of 18 model schools in different districts.

Para. 26. The scholarships are to be of the value of four rupees per mensem each, they are to be tenable for one year in the normal schools, and for four years in the zillah schools, subject in the case of the latter schools to an annual examination as to the progress made. The number of the zillah school scholarships in each district will eventually be 20, and that of the scholarships in the normal schools, five; and the aggregate expense for the eight districts 800 rupees per mensem.

Education Letter, dated 1 May (No. 20) 1856.

Establishment of a system of scholarships to be tenable by the pupils of the vernacular schools in the Zillah and Normal Schools in Bengal, sanctioned for eight districts, at a cost in the first year of 320 rupees per mensem, and eventually of 800 rupees per mensem, in each district.

27. We approve the commencement of this mode of stimulating the progress of the pupils in vernacular schools; and of thus, to a certain extent, providing students for the higher classes of schools. The plan of the scholarships will of course be subject to rearrangement, if, on trial, it shall appear desirable. It seems questionable whether the prospect of holding a scholarship for only one year at the normal schools will form a sufficient inducement to exertion on the part of those who are expected to compete; it is true that they will receive stipends at those schools, but this advantage will be enjoyed by them in common with the students who will enter them in the ordinary course, and cannot therefore be regarded in the light of a reward for peculiar merit. We rely on due strictness being maintained, both in the original examination for the scholarships, and in those examinations on which the renewal of them from year to year is to be made to depend.

EXTRACT Public (Education) Letter to India, dated 1 April (No. 50) 1857.

24. Our sentiments on the points embraced in this correspondence were expressed in paras. 2 to 4 of our despatch to the Government of Bombay, dated 10 December (No. 40) 1856.

Letter dated 24 June (No. 29) 1856.
(2 to 6.) Further correspondence relating to the introduction of the new scheme of education into the Bombay Presidency.

EXTRACT Public (Education) Letter to India, dated 15 July (No. 96) 1857.

Para. 4. We approve this extension of the discretionary power vested in the Lieutenant-governor of Bengal, in respect to sanctioning grants in aid.

Letter dated 14th June (No. 28) 1856.

The limit within which the Governor of Bengal may sanction grants in aid of Educational Institutions, raised from five per cent. to ten per cent., on the aggregate amount of the annual educational expenditure in Bengal.

5. We think, however, that the time has arrived when the amount available for such grants may be fixed on a consideration of the reasonable requirements of each Presidency, and not on the

merely arbitrary grounds which have hitherto been assumed. The mode in which it is sought to promote vernacular education, differs widely in the several Presidencies; and the extent to which the contributions of Government will be required under "the Grant-in-aid Rules" will vary in a corresponding degree.

6. In the North-western Provinces, a system of vernacular education has been introduced, which provides for the requisite expenditure on the part of Government, independent of the so-called Grant-in-aid system. The application of the system will, therefore, be almost entirely limited to the English and Anglo-vernacular institutions, which, in those provinces, are for the most part, conducted by persons or bodies unconnected with the Government. In Bengal, on the other hand, no such complete system of vernacular education has been framed. Grants from Government in aid of individual schools, the case of each of which must be considered on its own merits, will, therefore, be required, under the Grant-in-aid Rules; and it is evident, from the list submitted by Mr. Gordon Young of grants already made, that a considerable amount will in this way be absorbed. This difference in the circumstances of Bengal, and of the North-western Provinces, and any variations in those of Madras and Bombay, must be carefully considered before settling the amount to be placed at the disposal of each Government for grants in aid; but we think that an attempt should be at once made to place the matter on a more satisfactory footing than it stands at present.

LETTER, dated 19 August (No. 36) 1856.

Further correspondence respecting the construction of a building for the Presidency College at Calcutta.

15. THE subject of the building for the Presidency College again came before you in this department, in consequence of doubts raised by the Director of Public Instruction in Bengal, as to the necessity of carrying out the intention to establish the Presidency College, and with reference to the expense, which, if the college were to be provided, it would be proper to incur on account of the building.

16. We entirely agree with you that there is no ground whatever for doubting the necessity of establishing a Government institution at Calcutta of the nature of the Presidency College, and we regret the time which was lost in the renewed consideration of the question in consequence of Mr. Gordon Young's suggestions. We equally concur in the strong remarks of the Governor-General, with regard to the enormous expenditure proposed by Colonel Goodwyn to be incurred in the erection of a college, on a plan submitted by him. At a time, especially, when to say nothing of the requirements of the other departments of the State, there is such an urgent demand for the pecuniary assistance of Government, in the promotion of education among the masses of the population, we should regard it as a flagrant waste of public money were a design sanctioned for any college in Calcutta, at an expense at all approaching the sum of 20 lacs of rupees. No doubt need be entertained that a building containing the requisite accommodation for the departments of a Presidency College, and satisfying all the necessary requirements of good taste and architectural propriety, may be provided at a cost of eight lacs of rupees, to which sum, in your instructions to the Lieutenant-governor of Bengal, you have strictly limited the expense.

17. We approve the appointment of a committee to consider the wants of the college, as regards the accommodation to be provided, and to submit a plan for the building; and we hope that the result of their labours will shortly be communicated to us in the department of public works.

18. We are of opinion that the expenditure of 5½ lacs of rupees on a site for the college would have been quite unnecessary, even in the expensive locality selected for it, and that a far smaller space would both meet all the purposes of the college, and afford sufficient ventilation to the Medical College Hospital, in its close vicinity. We should have supposed, however, that a much less expensive locality might have been found either outside the town, or not so far from the site now selected (on account, we presume, of its proximity to the hospital), as to produce any material inconvenience. We have not noticed in your proceedings

ceedings any detailed deliberations on the subject of the site; but we observe that the Lieutenant-governor was considered to have approved of the site selected, when in point of fact he had not done so, and that the authority of the Government of India, which the Lieutenant-governor considered to have disposed of the question, was based upon this supposed approval: circumstances which may have led to a less mature consideration of the point than it would otherwise have met with.

See Letter from Government of Bengal to Government of India, dated 2 April 1856.

19. It is probably now too late to prevent the purchase of the land near the hospital, as directions were given for this purpose on the 16th August last; but if not, we desire that due attention be given to the above remarks, as we entertain very strong objections to the expenditure of five or six lacs, or even of two and a half lacs, on the mere site of the building in question.

20. The arrangements here reported appear to provide for the extension of the new scheme of vernacular education throughout all the districts under the administration of the Lieutenant-governor of the North-western Provinces, except the province of Nimar, and the district of Neemuch, for which, however, some provision, though of a less efficient character, has been made, and the province of Ajmere, with regard to which we refer you to our remarks in paras. 31 and 32 of this despatch.

Letter dated 26 August (No. 37), 1856. (Also letter dated 15 October (No. 40), 1856.) Further extension of the scheme of Vernacular Education in the North Western Provinces.

21. The expenses of the establishments for the additional districts, now brought under the system, amount to 56,448 rupees per annum, of which the portion incurred in Scindia's district of Chandeyree, and in his Pergunnahs in Saugor, and Hoshungabad, under British management, will very properly be debited to the revenues of those districts. The sum previously placed at the disposal of the education department, in the North Western Provinces, is stated by the officiating director of public instruction at 1,15,628 rupees, made up, we presume, of the sum of 62,908 rupees, sanctioned in our despatch of 18th February last (para. 35) as the consolidated expenses of 16 districts, and of that of 52,720 rupees, authorised in para. 28 of our despatch of 1st April 1857 (No. 50), for the divisions of Allahabad and Benares, with Jaloun and Jhansi. These sums, with the amount now reported, make a total of 1,72,076 rupees; and we entirely approve the sanction given to the expenditure.

22. You will have learned from para. 13 of our despatch, dated 18th February (No. 35) 1857, that it is our desire that clergymen shall not be employed in connexion with the Government measures of education, and that the appointment of the Rev. Mr. Budden to be inspector of schools in Kumaon would not have been in accordance with our wishes.

Public Department, 11 February (No. 16) 1857.

Our Governor in Council at Fort St. George.

LETTERS, dated 8 May (No. 20) 1855, paras. 11 to 17; 10 August (No. 31) 1855; 11 February (No. 3) 1856; 10 April (No. 8) 1856, paras. 11 to 14.

Para. 1. WE learn, from these proceedings, that you have sanctioned a scheme of general education throughout your presidency, submitted to you by Mr. Alexander John Arbuthnot, who has been appointed to the newly constituted office of Director of Public Instruction.

Measures for the promotion of General Education, in consequence of Court's despatch to the Government of India, dated 19 July (No. 49) 1854, and despatch to the Government of Fort St. George, dated 30 August (No. 44) 1855.

2. This scheme provides for the institution of a Presidency College at Madras, in lieu of the so-called Madras University for the maintenance of four provincial schools, to be eventually raised into colleges, at the places* named in the margin, for the formation of eight zillah and 100 talook schools, to be formed when the necessary agency is available, at such places as on further inquiry may appear to the director to be advisable; the establishment of a normal school for training schoolmasters; the assignment of 1,000 rupees a month to the foundation of scholarships at the Presidency College, and at the provincial and zillah schools, and "affiliated institutions;"

* Rajahmundry, Bellary, Combarum, Calicut.

institutions;" and for the appointment of a number of inspectors and sub-inspectors, to be charged with duties analogous to those discharged by corresponding officers in this country.

3. The total expense of the establishments for giving effect to this plan, after reductions by the Government of India of 250 rupees per mensem, as inspectors, and 3,192 rupees for assistant-inspectors, is 31,680 rupees per mensem, or 3,80,160 rupees per annum. But, from want of the necessary preliminary information, and from the difficulty of obtaining the masters required for such extended operations, it is thought by Mr. Arbuthnot that three or four years will elapse before the full establishments can be entertained; and, even then, the maximum amount of salary provided for is only to be given, in each case, on satisfactory proof being afforded that the qualifications of the individual come up to the requisite standard.

4. It is evidently necessary, under the present circumstances of the Presidency of Madras with regard to education, that the officer charged with the organisation of a system of general education shall have a large amount of discretion entrusted to him in the formation of his plans. We approve, therefore, the sanction given to Mr. Arbuthnot's general proposals, and we fully concur in the liberal amount of the salaries assigned to the secondary masters of the proposed schools; not only because we think it essential that persons engaged in the work of education shall be placed in a respectable social position, but because it is vain to expect that a system of general education can be carried out in an efficient manner, unless inducements to enter the department of education, equal to those offered in the other branches of the public service, are held out to young men, qualified by their talents and acquirements, to take part in it.

5. The necessity of holding out the prospect of promotion, as an additional inducement to engage in the work of education, was one of the grounds on which it was proposed to appoint a number of assistant-inspectors, to rank between the inspectors and sub-inspectors of schools. The Government of India refused their sanction to this class of appointments, with reference to their disapproval of a similar grade of officers in the North-western Provinces. But that disapproval appears to have related to a different class of officers, who were in reality to act as inspectors, and does not seem to be applicable to the present class, which corresponds rather with that of the sub-inspectors of the Bengal Presidency. We are inclined to think that, regard being had to the extent of territory which will be comprised in the charges of the four inspectors, and to the limited functions which sub-inspectors on salaries not exceeding 50 rupees per mensem will be competent to perform, the assistance of a superior class of officers will be found necessary by the inspectors. Should this prove to be the case, a renewed reference on the subject may be made to the Government of India, who will doubtless be ready to sanction any plan for meeting the ascertained difficulty which may be free from the objection which they believed to attach to the arrangement formerly submitted to them. Should the Government of India hereafter sanction the proposed number of assistant-inspectors, it may be a matter for consideration whether the number of sub-assistant inspectors may not admit of reduction.

6. We shall look forward with interest to the receipt of the information which it is one of the objects of the new educational establishment to procure, regarding the present state of indigenous education in the country; and we anticipate much improvement in it also through the influence of the model schools, combined with that of the agency to be established for inspecting the village schools, and providing them with good books. We hope also that encouragement will be afforded for the foundation of new schools in places where none exist at present, after the example set in the North-western Provinces.

7. We are glad to observe that the Director of Public Instruction is alive to the importance of the Halkabundee school system, under which schools are established by a voluntary contribution from the people of the district. It is spreading rapidly and successfully in the North-western Provinces, and the Lieutenant-governor thinks it "evident that Halkabundee schools will gradually displace, to a very large extent, the present very rude and inferior village schools of those

those provinces, and eventually form the chief source of primary instruction for the people." From the example already set in Rajahmundry, we trust the system may not be found unsuitable to the Madras Presidency.

8. We do not observe that the directions contained in para. 98 of our educational despatch to the Government of India, of July 1854, have yet been attended to. Among the district officers, the collectors and assistant collectors seem especially to have it in their power to render the most valuable assistance in the extension of education, and we hope that they will not fail to encourage every just and discreet measure which may be adopted for this important purpose.

9. The state of education throughout your Presidency, rendered it, in the opinion of the Director of Public Instruction, premature to form a collegiate institution at Madras, on the complete plan of the Presidency College at Calcutta. The "Presidency College" at Madras, therefore, has been so constituted as to combine, for the present, both collegiate and school instruction. The present collegiate and high school departments will be kept distinct under the designations of the "senior" and "junior departments" of the new college; but the same establishment will, to a certain extent, be available for both branches. The senior department of the institution is to consist of a general branch and of a legal branch; and, for the conduct of the duties of the latter you have appointed a professor of law, on a salary of 300 rupees per mensem. It is not proposed to connect with the college, at least for the present, either the existing Medical College, or the intended College of Civil Engineering. We have to express our entire approval of the judicious and practical recommendations of Mr. Arbuthnot with reference to this institution; and we consider the establishments, at a cost of Rs. 4,956. 8. per mensem, to have been framed on a reasonable and moderate scale.

10. The rules laid down by you, with the sanction of the Government of India, for regulating "grants in aid" of private institutions, are in conformity with our instructions, and are calculated to guard against any misunderstanding of their objects, especially with regard to the strictly secular character of the instruction which they are designed to promote. It is stated by Mr. Arbuthnot that the existence of the English school, maintained by the Basle Missionary Society, will render unnecessary the establishment of a Government school at the station. We are not altogether of this opinion, and consider that the circumstance of a school being already established in any place like Mungalore by persons independent of the State, ought not to be admitted as a positive and decisive reason for omitting to afford to that place, if it should be in other respects deemed advisable, the advantage of a Government school. The present proceedings would have been more satisfactory if some statement had been furnished of the ordinary and expected annual expenditure of the society's schools, as well as of the receipts. Such statements should always accompany applications for grants in aid. The continuance of the monthly payments to the society's schools in aid of teachers' stipends, will of course depend on the reports of the inspector. As applications for Government assistance become more numerous, it will be convenient that they should be submitted in a form which will admit of a comparison of the merits of the several cases.

11. We should wish to be furnished with a report upon the operation of section 4 of the rules for grants in aid, by which such grants are restricted to those schools where a fee is exacted from the pupils.

12. It was the decided opinion of the Director of Public Instruction, in which the chief engineer of Public Works subsequently expressed his concurrence, that the intended College of civil engineering should not be established, in connexion with the Artificers' School attached to the Gun Carriage Manufactory; but that the latter, being limited to its original purposes, the College of Civil Engineering should form an entirely distinct institution. The peculiar aptitude of Major Maitland for managing the classes engaged at the Artificers' School, and the importance of affording to those to be brought under instruction in the various branches of civil engineering the means of learning practically, as well as theoretically, the duties they are hereafter to discharge, formerly suggested the idea that Major Maitland's school might form the nucleus of the new college.

It was never our intention, however, that this view should be acted on without further inquiry and consideration, and we are now doubtful whether the instruction given in the Artificers' School is such as would be likely to be useful except in a very limited degree to those entering the Public Works Department, and whether on the whole it may be desirable to combine in one institution two classes of pupils requiring instruction differing essentially both in its character and in its objects; but we would suggest for consideration whether, by some arrangement with the railway company, the railway works might not be made available for affording to the artificers that practical instruction in the various branches of civil engineering which it appears is not to be obtained at Major Maitland's school. Your Government was opposed to the union of the two institutions, and accordingly approved a plan for the proposed college, based on the general scheme of the Thompson College at Roorkee, and on the recommendations of the late Commissioners of Public Works.

13. We learn, however, that the Government of India attach so much importance to the Artificers' School, as a means of affording practical training to those who may be brought under instruction in the various branches of civil engineering, that they have directed you to revise the proposed plan, with a view to a regulated attendance at the Artificers' School being made a necessary part in the course of study at the College of Civil Engineering. When expressing this opinion, however, the Government of India had not had before them the objections urged by the chief engineer of the Public Works Department, and by Major Cotton, to the union of the Engineers' Department with Major Maitland's school, and indeed, with any school for artificers. These objections, and the remarks of the officers above-named as to the advantages to be derived from the great works in progress for the education of artificers, seem well deserving of consideration. We approve the proposals of Mr. Arbutnot, as to the opening up to the natives of the first or highest branch of the college, and the foundation of a limited number of scholarships, in lieu of assigning stipends to all admitted as students. The proposed expense of the college, including establishments and all expenses, 4,850 rupees per mensem (which amount is not included in the sum specified in para. 3 of this despatch), seems moderate.

14. It is not necessary that we should express any opinion on the remarks recorded by you on the proposals of the Committee sitting at Calcutta, for framing a scheme for the Universities of India. Your proceedings will come before us when the result of the Committee's deliberations is reported, and the whole subject will then receive due consideration.

15. The only remaining point on which we have to communicate our decision is the eligibility of our chaplains to be appointed to the office of inspector of schools, retaining at the same time their position on our ecclesiastical establishment, with its attendant advantages. Pending our orders on the subject, you have appointed the Rev. John Richards, who is stated to be peculiarly fitted for the office, to be an inspector of schools, on a salary of 1,000 rupees per mensem; and you request that, if we approve the arrangement, we will send out a supernumerary chaplain to fill the temporary vacancy caused by that gentleman's withdrawal from clerical duty.

16. The ecclesiastical establishments at the several Presidencies have been fixed with special reference to the number of stations to be supplied with chaplains. The number of chaplains actually on duty is liable to diminution from time to time by death or by sickness, and serious inconvenience and spiritual destitution occasionally arise from this cause. We cannot consent to increase the evil by authorising the withdrawal of any of our chaplains from the duties which they are specially appointed to discharge, for the purpose of engaging in any other branch of the public service.

17. We direct that the bishop be informed of these orders, and that Mr. Richards be at once called on to make his election between the appointment which he has received from you as inspector of schools, and that of a member of your ecclesiastical establishment. In the difficulty that may at first exist in finding men fitly qualified for inspectors, we have not disapproved entirely of the

the appointment of the Rev. Mr. Richards; but, as a general rule, we wish you to bear in mind that we already have discouraged and deem it undesirable to appoint the ministers of any religious persuasion as inspectors of schools.

We are, &c.
(signed) *W. H. Sykes.*
R. D. Mangles,
&c. &c.

London 11 February 1857.

EXTRACT Public Letter to Fort St. George; dated 11 March (No. 22) 1857.

5. The amount asked for for this institution seems to have been larger than you could grant to it; but if an amount of private contribution can be obtained, such as with the aid that could be fairly awarded to it by your Government, would make up sufficient to place the establishment upon a proper footing, we shall not object to your assisting it to this extent. We are not of opinion that there is anything in the constitution of the Training School which places it beyond the scope of the grant-in-aid system. Grants are made to ordinary schools in consideration of the means of a good secular education which they afford, and without any reference to the religious faith of the managers. In the same way, and as a means of increasing the efficiency of such ordinary schools, assistance may be extended to training schools, by whomsoever conducted, when they appear to be established on a secure basis, and to carry out their objects in an efficient manner. In this view a grant could not be refused to the Madras Training Institution, merely because its design was the raising up of teachers for Christian schools; and we may add that, in the present great demand for teachers for schools of all descriptions in your Presidency, we do not consider it a sufficient reason for refusing aid to a training school, under private management, that Government would not thereby be relieved from the necessity of establishing a separate normal institution at the cost of the State.

Letter, dated 6th July (No. 26) 1855 (77 to 80). An application from the Committee of the Madras Training School for a loan of 15,000 rupees towards the liquidation of the debts of the institution, refused after communication with the Director of Public Instruction.

6. With regard to your remark, that "the orders of the Government of India restricting the annual sum to be applied for grants in aid to 25,000 rupees, would alone prevent the Government from continuing the grant of 5,000 rupees, made during the past year," we have to remark that the orders referred to were intended to be merely temporary and provisional, till it should be seen to what extent applications for aid are made, and how far the promotion of education could be more economically and effectually promoted by means of assistance given by Government in aid of private efforts, than by the direct establishment of Government schools. It seems to be considered that, from the number of schools of a high character maintained by bodies or individuals unconnected with Government in your Presidency, the system of grants in aid may be employed with advantage on a liberal scale, and to a greater extent, than in the other Presidencies; and if such, on further inquiry, should seem likely to be the case, we do not doubt that an increased sum will, without hesitation, be placed at your disposal for the purpose by the Government of India.

Public Department, 30 August (No. 39) 1854.

Our Governor in Council at Bombay.

Para. 1. We have recently had under our consideration the measures by which general education in India can be most effectually improved and extended; and we now transmit to you a copy of a despatch* on the subject, which we have addressed to the Government of India.

* Public despatch to India, dated 19 July (No. 49) 1854.

2. Our views and wishes are so fully stated in that despatch that it is unnecessary for us to do more than authorise you to proceed without delay to organise, with due regard to economy, a department for the future conduct of education within your Presidency, preparatory to the introduction of the changes and improvements, the adoption of which we have ordered.

3. In accordance with the usual practice in cases of increase of establishment, you will submit your proceedings for the confirmation of the Government of India; and as we are desirous that the measures for the promotion of education throughout India should, as far as practicable, be regulated by one uniform principle, we direct that you communicate hereafter with that Government as to your future proceedings on the subject generally, copies of documents and narratives of your proceedings being transmitted to us quarterly, to which it will be unnecessary to append more than a covering letter.

We are, &c.

(signed) *J. Oliphant.*
E. Macnaghten,
&c. &c.

London, 30 August 1854.

EXTRACT Public Letter to Bombay; dated 24 September (No. 30) 1856.

Letters, dated 29th February (No. 15) 1856; 10th June (No. 53) 1856.

Letter, dated 29th February (No. 15) 1856, forwarding correspondence with the Director of Public Instruction, respecting the establishment of two normal schools for the training of schoolmasters,—one at Poona and one at Ahmedabad, and requesting that if the Court approve the scheme they will enter into communication with Mr. T. H. Farrer regarding the selection of principals, vice-principals, and masters for the institutions.

Letter, dated 10th June (No. 53) 1856, reporting objections stated by the Government of India to the proposed normal schools, and intimating that Mr. Erskine has been directed to frame a modified scheme for those institutions, and as to a new scheme for pupil teachers.

8. In consequence of the intimation given in your letter, No. 53 of 1856, we suspend for the present any expression of opinion on the proposed scheme of normal schools within your Presidency.

Public Department (Education), 10 December (No. 40) 1856.

Our Governor in Council at Bombay.

Letters, dated 14th April (No. 48) 1855; 28th July (No. 92) 1855; 1st November (No. 130) 1855, paras. 2 to 4; 16th February (No. 12) 1856, paras. 2, and 6 to 8; 10th May (No. 43) 1856, paras. 2 to 4. 6. 12, and 17 to 19, with reference to Court's despatch, 30th August (No. 39) 1854, reporting measures adopted for the introduction of the scheme of education laid down in the despatch to the Government of India, of 19th July (No. 49) 1854.

Para. 1. THE measures here reported may be divided into two branches; those relating to the directing, controlling, and supervising establishments, and those connected with the establishments to be maintained, either directly by Government, or through Government aid, for the immediate work of instruction throughout the Presidency.

2. You have had under consideration the appointment of new trustees for the funds of the Elphinstone Institution, in consequence of the intended abolition of the Board of Education, in which the trusteeship is at present vested. The subject is still before the Government of India; but we must observe, that the native community should not be deprived of the share which they have so long enjoyed in the administration of these funds, and, with this view, we should be prepared to approve of the arrangement regarding them proposed by Mr. Erskine, in communication with the Board of Education, and sanctioned by your Government.

3. Three inspectors have been appointed to the charge of three different divisions of your Presidency, excluding Kattewar and Scinde. The arrangement is regarded as provisional, and we are of opinion that it calls for reconsideration in several respects. We are unable, in the absence of any statement of the area and population comprised in the several divisions, to form a positive opinion as to the extent of the labour imposed on the individual inspectors, as compared with that of corresponding offices in the other Presidencies. We apprehend, however, that the inspectors in your Presidency, under the existing arrangement, have, at least on the average, a far less laborious sphere than those under our other Governments. In any case, we are surprised that you did not require some information as to the extent of country, and the amount of population under each inspector, before sanctioning the proposals of Mr. Erskine; and we desire that you will afford us information on this point before any permanent arrangement is sanctioned.

4. We

4. We concur in the opinion of the Government of India as to the inexpediency of combining the duties of an Inspector of Schools with those of Principal of the Elphinstone Institution. It is true, we imagine, that the amount of duty assigned to Mr. Harkness, as Inspector, is much smaller than would be entrusted to an officer charged with no other functions; but, allowing for this circumstance, we do not think that any individual can satisfactorily discharge the onerous and multifarious duties of an inspector, as laid down in the detailed instructions of Mr. Erskine, if he have to fulfil at the same time other duties equally important, though of a totally different character. We accordingly direct that the arrangement, which was only acquiesced in by the Government of India on your repeated representations, may be put an end to; and that, in the final settlement of the districts of the several inspectors, and of their salaries, it be borne in mind that each inspector is to be required to give his undivided time and attention to the peculiar work of his office.

5. In the general scheme of education contemplated by Mr. Erskine it is intended to provide for that gradation of schools and higher institutions, which was pointed out as desirable in our general instructions on the subject to the Government of India.

6. The College at Poona already occupies a high position. It has just been determined at the request, and with the pecuniary assistance of the native residents, to establish a college at Surat, and it is intended to form similar institutions at other important cities. We entirely approve this intention; but we think that it will be unnecessary, at least for a long time to come, to place an institution of the high class contemplated, in all the towns suggested in the minute of Mr. Lumsden. We desire to see a Presidency College at Bombay similar in its general design, and in the provision it makes for a complete education of the highest character, to the Presidency College at Calcutta. The Elphinstone Institution ought to be made a nucleus for this establishment. From the influence which your Government will have in that section of the contemplated University Senate, by which it is proposed that the Elphinstone Professorship Fund is to be administered, and from the circumstance that all the trustees are to be members of the University Senate, there seems likely to be no difficulty in making those endowments available for the purposes of the University; and with these and a sufficient number of additional professorships, we trust that this institution may be made capable of meeting all the requirements of the case.

7. The schools to be maintained below the provincial colleges are classed by Mr. Erskine as village schools, town schools, pergunnah schools, and zillah schools; those of the two first classes to be vernacular. We doubt the practicability, and, indeed, the necessity, of having, as proposed, one "town" school, or school of a superior order for every three or four "village" schools; and we think it doubtful whether instruction in English should be afforded in the pergunnah schools, at least as a general rule. These points should be further considered by you.

8. We are not satisfied of the soundness of the principles on which it is proposed by Mr. Erskine that the vernacular schools in your Presidency should be maintained. The principle on which vernacular education has been successfully prosecuted in the North Western Provinces, which has now been adopted in Bengal, and which has been experimentally introduced into one of the districts of the Madras Presidency, is, that the direct management of village vernacular schools shall remain in the hands of the native community, who will provide the funds for their maintenance, either by an extra self-imposed assessment, or by fees or voluntary contribution; and that Government shall assist by providing the means of supervision and inspection, by introducing a better class of school books, and by stimulating the efforts of the managers, by the example of a Superior Government Vernacular School in each tehseldaree division. In your Presidency, on the contrary, it seems to be intended that Government shall in all cases bear a considerable proportion of the expense of each school, and that every new school, on being established, and every existing school, on receiving aid from Government, shall then become a Government School, and come under the management of the officers of the Educational Department.

9. The advantages of the plan previously referred to, in respect both to the Government and to the community, are great and obvious.

10. It is evident that for such an extension of the means of primary education as is required throughout the territories committed to your Government, the active co-operation and liberal contributions of the people are indispensable. We have sanctioned the appointment of a high officer in each Presidency, for the general charge of the department of education, together with a regular gradation of officers for the purpose of inspection and supervision.

11. This large and costly establishment is maintained not merely for the control of the colleges and schools kept up at the direct charge of Government, and for the administration of the system of grants in aid of private efforts, but also, and in a great degree, for the purpose of calling forth and stimulating the efforts of the general community to provide for these classes the means of education, and for giving consistency and a right direction to the measures which may be taken with this object. The existing arrangements in the North Western Provinces being in general accordance with these views, we desire that the Director put himself into communication with the educational superintending authority in the North Western Provinces, with a view to ascertain the present working of the vernacular system there, and then carefully to reconsider your proposed plan, and to inform us of the result of your deliberations before any general scheme of vernacular education is brought into operation at your Presidency.

12. The rules for the administration of the "grants in aid" in your Presidency, contain the provisions which we considered to be required for guarding against misapprehension as to the objects of the system. We agree, however, with the Government of India in thinking, that it would have been better if your notification had been of a more general nature, and if you had refrained, at so early a period, from fettering your Government by the minute and detailed regulations under which you are now pledged to administer the system. We must also remark, that the intention indicated in the rules to contribute towards the salaries of schoolmasters, in all cases where they fall short of a certain specified amount, is scarcely in accordance with the condition, that the first object of the grants in aid shall be the improvement and extension of the means of education previously existing. We think, therefore, that any contribution towards the pay of a schoolmaster should be made only on satisfactory evidence being afforded that the master possesses qualifications superior to those of ordinary schoolmasters.

13. We do not find that any applications have yet been addressed to you for assistance under the above rules, and you must therefore be unable to form an opinion as to the sufficiency of the amount set apart for grants in aid under the authority of the Government of India. The Director of Public Instruction should be required to report, after due inquiry and consideration, on the extent to which institutions maintained by individuals or associations, and aided by a grant of public money, may be likely to render Government schools unnecessary at particular places.

14. It is not necessary that we should in this place enter on an examination of your proceedings on the scheme for the establishment of Universities in India, submitted for your opinion by the Government of India. The opinions expressed by the various members of your Government will come under our consideration when the whole subject is brought before us by the Government of India.

We are, &c.

(signed) *W. H. Sykes,*
R. D. Mangles,
&c. &c. &c.

London, 10 December 1856.

No. 78.

(No. 650.)

From *R. Montgomery*, Esq., Judicial Commissioner for the Punjab, to *P. Melvill*, Esq., Secretary to the Chief Commissioner.

Sir,

IN reply to your letter No. 1870, dated 14 December last, regarding the proposed extension of the experimental system of education in the North Western Provinces to the Punjab, I have the honour to forward a minute which I have prepared on the subject, and which I request you will submit to the Chief Commissioner.

Judicial.
Miscellaneous.

I have, &c.

(signed) *R. Montgomery*,
Judicial Commissioner for the Punjab.

Lahore, 7 March 1854.

MINUTE.

WITH advertence to letter from Secretary to the Chief Commissioner, No. 1070, dated 14 December 1853, forwarding copies of a letter from Government to the address of the Chief Commissioner, and of a letter from the Agra Government to the Supreme Government, the Judicial Commissioner desires to offer his sentiments and opinion in regard to the proposed extension to the Punjab, of the educational system recently adopted in eight experimental districts of the North Western Provinces. For the better consideration of this important subject, he has studied the printed educational reports and statistics prepared by Mr. H. S. Reid, the Visitor General of Schools, North Western Provinces. He has also consulted the Commissioners of the three largest divisions in the Punjab; viz. Lahore, Trans-Sutlej States, and Cis-Sutlej States. And now, under a solemn conviction, in which the last-named officers warmly participated, that this educational measure will be fraught with blessings to the people, and will be perfectly practicable in execution, the Judicial Commissioner recommends its immediate introduction, and for this end, submits the propositions which will follow.

Introduction of
educational system
recommended.

2. A report on the existing state of indigenous education in the Punjab will not, on the present occasion, be attempted. Statistics of this description are being collected and arranged by the Settlement Department, and will serve in the future as valuable data for detailed inferences and decisions. But to collate these for the whole territory might involve some delay, which, under present circumstances, would be undesirable, for the Judicial Commissioner desires to submit his proposals with the earliest despatch, and to respond with promptitude to the liberality of the Supreme Government. An account of indigenous education was included by the late Board in their general report, which is supposed in its essentials to be correct, and to which reference can be made.

Statistics of exist-
ing education not
required on the
present occasion.

3. It is believed that both the necessity and encouragement for the educational measure exist as much in the Punjab as in any province of this Presidency. There are less prejudiced and fewer elements of passive hinderance or active opposition here than elsewhere. The Sikh fanaticism and political fervour are dying out. The Hindoos are less superstitious and less priest-ridden. The Mahomedans of the plains, though formidable in numbers, are less bigotted, less bound by traditional practice than their co-religionists in any part of India. The upper classes display intelligence and inquisitiveness in respect to Asiatic learning and European science. The agricultural classes, though uncouth, are less apathetic and less illiterate in their tastes than might have been expected; the village accountants display a skill not surpassed, and often not equalled, in Hindoostan. The working classes evince a considerable aptitude in mechanical art. On the whole, then, the Punjab is ripe for the introduction of an educational scheme.

Circumstances
favourable to
education in the
Punjab.

4. This scheme the Judicial Commissioner would primarily introduce experimentally into the three most populous divisions—namely, Lahore, Trans-Sutlej States, and Cis-Sutlej States. But from the Cis-Sutlej States the district of Simla might be excluded, as that hilly region is but thinly peopled, and can already boast of an efficient Government school. As the method of carrying out

Educational
scheme to be tried
in the Lahore
Division, Trans-
Sutlej States, and
Cis-Sutlej States.

but the scheme may in a great measure depend on financial considerations, the probable cost involved in the Judicial Commissioner's propositions will be first stated.

Officers to be employed, with their grades and salaries.

5. According to the scale sanctioned in the North Western Provinces, there would be maintained at Government expense, in the divisions under operation, one school with one schoolmaster, and one purgunnah visitor in each tehseeldaree, one zillah visitor in each district, and one visitor-general over the whole. The Judicial Commissioner would fix the salary of the schoolmaster at 15 rupees per mensem; of the purgunnah visitor at 40 rupees; of the zillah visitor at 100; of the visitor-general at 900 (inclusive of travelling allowance); and these salaries are similar to those which prevail under the Agra government. It would also be very desirable (for reasons to be given hereafter) that four normal schools, costing 150 rupees per mensem each, should be established. There would also be contingencies, such as prizes, books and materials, house-room, &c. In the Lahore Division, Trans-Sutlej States, and Cis-Sutlej States (exclusive of Simla), there are twelve districts, containing 48 tehseeldars in the aggregate, but as this latter number might fluctuate, it would be safe to give 50.

Cost of such establishment according to higher scale.

6. To introduce completely this scheme into the above districts, the following expenditure would be incurred :

	Rs.	a.	p.
50 Tehseeldaree schoolmasters, at 15 rupees per mensem each	750	-	-
50 Purgunnah visitors - at 40 " "	2,000	-	-
12 Zillah visitors, - - at 100 " "	1,200	-	-
1 Visitor-general - " at 900 " "	900	-	-
4 Normal schools - - at 150 " "	600	-	-
Contingencies and office charges, per mensem - - -	200	-	-
TOTAL per Mensem - - - Rs.	5,650	-	-
" per Annum - - - Rs.	67,800	-	-

Cost of establishment according to a second and lower scale.

7. The amount then would aggregate more than half a lakh, and something less than three-quarters of a lakh. But although the Judicial Commissioner recommends this amount for sanction, yet he would wish to point out, that if the Government should deem it too high, and some reduction might be effected without material detriment, in several of the districts of the three divisions there are some purgunnahs or tehseeldarees less populous and less civilised than others. Although education may be urgently needed, still its introduction might be postponed until the experiment had been tried in more promising tracts. Under this view it might be thought better to operate upon 40 out of the 50 tehseeldarees (which number is the minimum that the Judicial Commissioner would recommend); the cost would be as below :

	Rs.	a.	p.
40 Tehseeldaree schoolmasters, at 15 rupees per mensem -	600	-	-
40 Purgunnah visitors - at 40 " " - -	1,600	-	-
12 Zillah visitors - - at 100 " " - -	1,200	-	-
1 Visitor-general - - at 900 " " - -	900	-	-
4 Normal schools - - at 150 " " - -	600	-	-
Contingencies and office charges - - -	200	-	-
TOTAL per Mensem - - - Rs.	5,100	-	-
" per Annum - - - Rs.	61,200	-	-

Proposed scale compared with that of the North Western Provinces.

8. The lesser scale of expenditure then would average something more than half a lakh annually. The actual cost per annum in the North Western Provinces does not appear from the printed reports. But it probably would not differ from that now proposed; the establishment being in the aggregate similar, though

though there are variations in detail. The following scale was adopted the first year:—8 zillah visitors; 33 purgunnah visitors; 58 tehseeldaree schoolmasters.

Thus it appears, that though the number of schools proposed is less, yet the number of zillah and purgunnah visitors is greater than that sanctioned in the North Western Provinces. But, adverting to the important duties which will devolve on these latter officers, the Judicial Commissioner trusts that their strength may not be reduced below the second of the two scales above given. Indeed he is confident that, in the liberal and enlightened opinion of the Government, an annual expenditure of little more than half a lakh will not be deemed excessive for an experiment of such national importance. Some few landed grants made by the native government in favour of educational institutions, have been occasionally maintained; but the Judicial Commissioner does not recommend that any new grants of this nature be conferred in addition to the pecuniary aid now solicited from the Government.

9. Passing from the financial aspect of the scheme, the Judicial Commissioner will turn to its several prominent features, namely, the appointment of a visitor-general, the duties of purgunnah and zillah visitors, the establishment of normal schools, the nature of the education to be furnished, the location of a central dépôt for school books. Leading features of the scheme.

10. The appointment of a visitor-general is the cornerstone of the scheme. Its success will depend on the judgment and energy of that officer. Its effectual working will not be secured without that degree of knowledge and vigour which can only be bestowed by one whose attention is altogether undivided, much co-operation might of course be expected from the district authorities. But their various and pressing duties would prevent them from giving more than sympathy. The system must be self-sufficient, and must supply its own motive impulse. Precisely the same reasons for appointing a covenanted officer to this post exist (with, perhaps, greater force) in the Punjab as in the North Western Provinces. The Judicial Commissioner would venture to nominate Mr. F. D. Forsyth at present Assistant Commissioner at Kangra. This gentleman has given much thought and study to educational matters, he has established schools, and stimulated indigenous education in the Kangra district, and his Commissioner, Mr. M'Leod, testifies to his creditable exertions in the cause. The Judicial Commissioner believes that, if appointed, Mr. Forsyth would do justice to the selection. His salary at present, 700 rupees per mensem, might be raised to 800, with travelling allowance, or a consolidated salary of 900 might be fixed. As regards the submission of annual reports, the preparation of statistics, the visitor-general for the Punjab might follow the example of Mr. Reid in the North Western Provinces. He would correspond direct with the Judicial Commissioner or with the Chief Commissioner. Appointment of Visitor-General.

11. The duties of the pergunnah visitor in his tehseeldarees, and of the zillah visitor in his district, have been already laid down with much precision and comprehensiveness in Mr. Reid's printed reports. Their concern is not alone with the tehseeldaree schools, of which they would be the *ex-officio* inspectors, but chiefly with the promotion of indigenous education within their jurisdiction. The tests of their success will be the numerical increase of the schools and scholars, the intellectual progress of the teaching, the quantity of school books and standard works distributed for sale. With reference to the tehseeldaree schools, the Judicial Commissioner would observe, that one of the duties of the zillah visitor, in conference with the purgunnah visitors subordinate to him, would be the selection of a locality for each of the schools. This selection should be made with a regard to the convenience of the agricultural community. The object of the system is to diffuse education among this class rather than among the non-agricultural population. For this end (which should always be borne in mind) it may be often expedient to fix the school at some thriving and central village rather than at the head quarters of the tehseeldaree. Experience seems to show that the landholders prefer sending their sons to a school held in a village or rural town, rather than to a station filled with the various employees and their retainers, where sinister influences may be imagined. Duties of zillah and pergunnah visitors.

Selection of site for Tehseeldaree schools.

Establishment of
schools on the
Hulqualnudee
system.

Editing of
quarterly journals
for agriculturists.

No. 263 of 1853,
dated 5th October.

Establishment of
Normal Schools.

to prevail. Several schools in the North Western Provinces have been founded very successfully on this principle, which might be applied more extensively in the Punjab. Mr. Reid mentions more than once that the location of the school at the tehseeldaree may account, in many cases, for the non-attendance of the zamindar's children. In regard to the establishment of indigenous schools, the Judicial Commissioner would desire to see immediately introduced throughout the districts under operation, a plan which has been recently and partially developed in the North Western Provinces, and is technically termed the "hulqualnudee" system. The first duty of the visitor is to travel about to explain to the villagers the advantages of a school, to offer assistance in regard to procuring schoolmasters, books, &c., but he would be attempting too much if he asked the people to set up a school in every village. He can, however, ask them to set up one school in every circle of villages or "hulqua." He may, with the aid of district maps (which are now issuing in abundance from the lithographic press), help them to divide the villages into circles, and to select the most central site for the school. Indeed, the villages are already divided by the Settlement Department into putwaree's circles of five or six villages each, which may well suit scholastic purposes. It is believed (after experience in the North Western Provinces), that, acting under the advice of the visitors, supported by the revenue authorities, the villagers may be readily induced to form such schools, and to regulate the subscriptions among themselves. The visitors can report at the end of each year, which "hulquas" have, and which have not established schools, and in those which have not, the authorities, fiscal and educational, may be enabled to offer counsel and inducements. The "hulqualnudee" system, if adequately developed, would, in a short cycle of years, quadruple the number of scholars. The visitors might also supply useful and entertaining periodicals for adults, as well as instruction for the young. They might edit a quarterly journal for circulation at a small cost among the larger villages. These journals might contain such items of news as would interest country people, reports of cases in the courts, prices current, methods of improved culture and procuring seed, proceedings of the agricultural society and the like. They would be readily subscribed to, would be read with amusement, and would raise the standard of intelligence. On this point the Judicial Commissioner annexes copy of a letter received from Mr. C. Raikes, Commissioner and Superintendent, Lahore Division, proposing to edit such a journal in his own office. It may be doubted whether the Commissioner's office could undertake such a duty, but the idea is a good one, and might be carried out in the Educational Department.

12. There will probably be no difficulty in finding qualified persons as pergunnah and zillah visitors. The salary and position will attract competent Hindoostanees or intelligent Punjabees. But it will be a harder task to fill the humble but useful post of village schoolmaster; and it should be remembered that this office can be performed efficiently only by natives of the Punjab. It is well known that the ignorance and rusticity of the pedagogue almost neutralises the scanty education which does exist. Time will roll away before the demand will, of itself, produce a supply of qualified teachers. Indeed, such a supply would be the much-desired fruit of years of labours on the part of Government. But in the interim a class of schoolmasters must, if possible, be raised up from among the people; some few of the most likely pupils might be selected for this profession from the tehseel schools, but as a rule the *alumni* of these institutions would not reach that standard of homely yet solid acquirement which Government might desire to ensure among village schoolmasters. On the other hand the *élèves* of the academical schools and colleges would be too highly educated and too refined in habits for rustic life. A medium of training must therefore be sought for more intellectual than that of country schools, and more simple than that of city schools. This can only be gained by means of normal schools; but such schools must not be conducted on too grand a scale; nor must they be too centrally situated, so as to be inaccessible, through distance, to those for whose benefit they are intended. In that case they would become schools of general usefulness, and would cease to serve a special purpose. They must be so arranged as to admit of attendance at moderate cost and trouble on the part of those who, possessed merely of practical intelligence, are content to live among the villages, and

and earn a livelihood by rustic pedagogy. Mr. Reid attests the wants of such establishments in the North Western Provinces; he has founded one very good normal school at Agra, but it has not entirely answered expectation, owing to its distance from the homes of the scholars. The Judicial Commissioner would recommend that two such institutions be established in the Lahore Division (one in the Rechnab Doab at Sealkote, or Goojranwalla, and one in the Baree Doab at Umritsur); one for the Trans-Sutlej States at Jullundhur; and one for the Cis-Sutlej States at Umballa, in all four; fifty pupils would be the full complement of each school. The maximum period of tuition might be three years, and the earlier portion of this term might be probationary; a certificate from the zillah visitor should be necessary to procure admission. Examinations by the visitor should be held on the pupils entering and leaving the school, as well as intermediately. A subsistence allowance of Rs. 1. 8. per month might be given to each scholar during residence. Vacancies in the tehseel schools would be filled by those alone who might hold diplomas from the normal institutions, and although these scholars would in no case be forced upon private schools, yet they would be recommended by the visitors whenever opportunity might offer, and would doubtless be in most instances accepted, none others would receive recommendations. The visitor should have the power of admitting any likely lad from the tuhseel or other school, and also to permit any schoolmaster to attend and qualify himself; in either case the person nominated would be entitled to the benefits of the institution. The curriculum of study would be unpretending, yet sound, such as might enable a man to teach villagers without being civilised far above them. To each school would be appointed one master on 40 rupees per mensem, with an assistant on 20 rupees, which sums together with the 50 scholarships of Rs. 1. 8. each and contingencies, would make up the 150 rupees entered in the financial calculation.

13. The proper style of education to be enforced in the tuhseel schools, and to be enjoined in the indigenous schools, has been placed beyond doubt by the proceedings in the North Western Provinces. The language through which the instructions should be conveyed in the Punjab may, however, demand some remark. The language used might be either Punjabee with Goormookhee character, or with the Persian character, or mixed Hindoostanee and Punjabee, that is grammar and structure, Hindoostanee with Punjabee phrases and idioms, and written in the Persian or Hindee character, or pure Oordoo and Hindee. The Judicial Commissioner recommends the disuse both of the Punjabee language and of the Goormookhee character. Goormookhee, though of sacred origin, is rapidly falling into desuetude; indeed, the religion of Govind is itself languishing, since bereft of political ascendancy. This peculiar language is now only used to a limited extent by Grimthees and Bedees. It is true that the Loodiannah American Presbyterian mission did some years ago publish Goormookhee books, and have recently compiled a dictionary; but when the former publications were issued the Sikh power was still standing, and many influential classes could be reached only through the medium of the courtly and priestly tongue. Since then the mission has published in more useful languages, and would not undertake Goormookhee works in the present day. The currency of Punjabee, as a spoken language, is also diminishing. It is degenerating into a mere provincial dialect. Hindoostanee is the prescribed language of the courts and of the public departments, it is becoming familiar to the upper and middle classes, and the ruder population understand it nearly as well as their brethren of Hindoostan, though neither perhaps will ever be proficient in this or any other polished language. There is no reason to perpetuate the Punjabee, or even check its decadence at the expense of the superior Hindoostanee by means of an educational system. It might at first be not inexpedient to familiarise the Hindoostanee by the admixture of Punjabee terms, but there would be this objection, that a language is being compounded for the occasion, or perhaps a new language is being framed when too many exist already. On the whole, then, the Judicial Commissioner would prefer to adopt precisely the same language as in the North Western Provinces, namely Oordoo and Hindee, and thereby secure uniformity, in addition to the advantage which those languages possess over the less cultivated patois of the Punjab. It is perhaps superfluous to add that vulgar characters, which may be local in application, limited in use,

Nature of education,
and language to be
employed.

or semi-barbarous in formation, such as Shroffee, Mahajanee, or Lundee, should be positively discouraged.

- Books for scholastic and practical purposes.** 14. A central depôt for class books and useful publications could be established under the visitor-general at Lahore, on the same principles as at Agra, the substance and matter of the text-books published under the Agra Government leave nothing to be desired.
- Female education.** 15. Female education is not unknown in the Punjab, and will doubtless increase, together with the general diffusion of intelligence; but the Judicial Commissioner doubts whether at present any direct influence can be exerted in that direction.
- Details to be settled with the Visitor-General.** 16. Such then, in general terms, is the mode in which the judicial officer would introduce the experimental system into the Punjab. The broad characteristics only of the scheme have been considered. If the Government should be pleased to appoint a visitor-general, all details can be dealt with in concert with that officer.
- Education in gaols.** 17. The Judicial Commissioner would seize this opportunity to enlighten the inmates of our gaols by an education similar to that given in the Agra model prison, and in the Mynpooree gaol. A commencement has been already made in the Lahore central gaol. This system might be tried perhaps in all the gaols, and certainly in those of the three educational divisions. The prisoners might be formed into classes, monitors appointed, examinations held, and reports submitted. If that most desirable principle should be carried out, that exemplary conduct shall entitle a prisoner to release before the expiry of his terms, then educational progress would afford a ready and trustworthy test of such conduct, and would supply the best incentive to prisoners to regulate their habits and exert their faculties. It might be ruled that no prisoner should obtain a remission of sentence for good behaviour, until he could pass an examination. The severity or otherwise of the test would be proportionate to the capacity, age, caste, class, and circumstances of the prisoners. The amount of requirement demanded would vary accordingly; but in all cases some degree of progress would be a *sine qua non*. The visitor-general might be instructed to examine all the prisoners in his three divisions, and to make a detailed annual report on their proficiency, for the information of the Judicial Commissioner.
- Educational test for all public employees.** 18. The resolution, that all candidates for even the lowest Government employ should pass an examination, might be put in force from the ensuing year (1855). After the lapse of two or three years, a similar rule might be applied to village headmen and office bearers, but a notification to this effect should be proclaimed at once.
- Central and collegiate schools.** 19. The founding of central schools and collegiate institutions is a matter distinct from indigenous and vernacular education, but on the present occasion it naturally suggests itself. It should be remembered that a superior class of schools has been established in many of the cities of the Punjab by missionary societies. The American Presbyterian Mission have excellent schools at Loodiannah, Umballa, Lahore, Jullundur, and now at Rawulpindee. The Church Missionary Society at Umritsur, Kangra, and Kotgurh (in the Hills). A central school has been founded by the Government at Umritsur. The Judicial Commissioner would not at present propose a similar institution for any other of our cities, except the metropolis of Lahore. He appreciates the validity of the reasons which induced the Government originally to give the preference to Umritsur; but still he would advance a claim on behalf of the sister capital. Umritsur doubtless enjoys commanding advantages in virtue of its commercial and religious importance, nevertheless, Lahore offers greater facilities for effective supervision; a numerous and energetic committee can always be organised at Lahore under the eye of the chief authorities. Such a committee cannot always be obtained at Umritsur. The Judicial Commissioner would retain the central school at Umritsur, and establish a college at Lahore. The abandonment of Sanscrit has been recommended in the Umritsur school, although this language is not calculated to be of the same utility here as at Benares or Vgra, still it may continue to be taught, together with the other classical languages of India, in order that they may be the means of engrafting European truth upon Asiatic

Asiatic science and philosophy, and constitute as it were a bridge over the gulf between oriental and occidental learning.

20. In conclusion, the Judicial Commissioner has to express his confidence in the success of educational measures in the Punjab. He is assured of the co-operation of the district authorities, and especially of the Commissioners of the three experimental divisions, namely, Messrs. McLeod, Raikes, and Barnes. Mr. Raikes has already signalised himself by his zeal for education in the Mynpooree district; Mr. McLeod is well known to possess as much theoretical knowledge of educational affairs as any civil officer in Upper India. On the requisition of the superior authority he has penned a most able, elaborate, and interesting report on the state of education in his division, with general recommendations on the subject. A copy of this report is herewith appended, and the Judicial Commissioner commends it to the consideration of the Chief Commissioner and of the Government. Conclusion.

Lahore, 7 March, 1853.

(signed) *R. Montgomery,*
Judicial Commissioner for the Punjab.

THE following REPORT may be divided into the several subjoined portions or sections :—

1. From para. 1 to 4 : Preparatory remarks.
2. From para. 5 to 31 : Educational statistics of the Trans-Sutlej Division, so far as hitherto ascertained.
3. From para. 32 to 45 : Results deduced therefrom as to the present condition of the people in connexion with this subject, and prospect afforded of a scheme of education being introduced with success.
4. From para. 46 to 75 : General observations on the principles to be observed, and objects to be kept in view, in laying down a scheme of national education for the Punjab.
5. From para. 76 to 103 : Detail of the specific arrangements proposed or recommended in regard to grant of funds, classification of schools and colleges, emoluments, &c., of teachers and inspectors, books to be employed, and other matters comprised in such general scheme.
6. Para. 104 : Establishment of a Vernacular Official Gazette, recommended as an important auxiliary to the cause of education.

(signed) *D. R. McLeod,*
Commissioner and Superintendent Trans-Sutlej States.

No. 120.

(No. 1988.)

From *D. F. McLeod*, Esq., Commissioner and Superintendent Trans-Sutlej States, to *R. Montgomery*, Esq., Judicial Commissioner for the Punjab; dated Camp, Dasdha, 17 December 1853.

Sir,

I HAVE now the honour to acknowledge the receipt of the late Board's circular letter (No. 1), dated 15 January 1851, with enclosed extract from the Government of India, as well as subsequent reminders, calling for a report on the state of education in this division, and for such information connected with the details of the subject as may appear likely to be useful or interesting, and proceed to furnish the report required. Reports, as required, on the subject of education.

2. Two years have now elapsed beyond the period when this report should have been supplied. This great delay I cannot pretend to justify, and it has been a source of much regret to myself, as tending to retard the introduction of measures for which none can long more ardently than myself. But this much I may remark, that, as in the existing circumstances of the Punjab, much must depend on the general principles acted upon at the outset, it has appeared to me essential that before an extended scheme of operations is determined upon, those principles be fully discussed, and a consistent course of proceeding deliberately adopted.

2, 3, 4. Having delayed doing so until a full statement could be furnished of the writer's sentiments in regard to the best course to be pursued.

3. I have been desirous, therefore, when replying to the letters under acknowledgment, not only to endeavour to supply the information, however limited, which has been gleaned in respect to the statistics of education as at present existing in the division, but to state the views which appear to me best calculated to ensure for our future efforts a practical and useful aim, and to extend their influence throughout the mass of the population: a task which I have found to be one of no ordinary difficulty.

4. The entire question has already been largely discussed by so many parties coming to very opposite conclusions on almost every point that I have at times felt reluctant to place on record the sentiments which I had already put to paper, believing that these differ widely in some respects from those of the majority. But I have come to the conclusion that my position in this new sphere of our administration renders it in a manner incumbent on me at the present time to state those sentiments fully; and as the subject is one in which I have long felt the deepest interest, I trust I may be excused if I should appear sometimes to press them with undue earnestness.

5, &c. Proceeds to furnish statistics of Jullunder in connexion with this subject.

5. I shall proceed, in the first place, to give a brief summary of the present state and prospects of education in the several districts of the division, commencing with that of Jullunder, for which district I annex copies of the accompanying documents.* I also forward, in original, the detailed statements of schools in the four tehseels of that district, supplied by Major Edwardes, not deeming it necessary to have these transcribed. The information herein recorded is, for the most part, of two years' date; but for all practical purposes it may be regarded as equally applicable to the present time.

6. It will be observed that these documents contain three distinct returns taken by different parties, and at different times, and all differing more or less from each other. The following are abstracts of the number of schools and scholars shown by each respectively:—

RETURNS by Settlement Officer.

NUMBER OF SCHOOLS.			Number of Mahals to each School.	Number of Inhabitants to each School.	REMARKS.
Hindee.	Persian.	TOTAL.			
62	206	268	5 on the average.	2,098 on the average.	Number of Scholars not given.

RETURNS

* 1. Letter of Mr. Brereton, officiating Deputy Commissioner, No. 48, dated 3 April 1851, with enclosed tabular statements of schools, &c.. English and vernacular.
2. Letter of ditto, in continuation, dated 17 May 1851, No. 81, forwarding return of the territory of the Almoalia Rajah.
3. From Mr. Temple, settlement officer, dated 10 October 1851, No. 68, enclosing tabular statement.
4. From Major Edwardes, No. 156, dated 22 December 1851, forwarding detailed statements for each tehseeldaree.
5. From ditto, dated 27 May 1852, No. 97, in continuation, reporting on the subject of female education.
6. An abstract of the returns furnished by Major Edwardes, as respects schoolmasters, and their emoluments, prepared by myself.

RETURNS of Mr. Brereton, Officiating Deputy Commissioner.

Number of Schools.	NUMBER OF PUPILS STUDYING.					Mahomedan Pupils.	Hindoo Pupils.	REMARKS.
	English.	Arabic.	Persian and Oordoo.	Hindee and Sanskrit.	TOTAL.			
198	85	437	1,298	929	2,749	1,351	1,398	Of these 271 scholars appertain to Government Missionary Schools.

RETURNS of Major Edwardes, Deputy Commissioner.

NUMBER OF SCHOOLS.					NUMBER OF SCHOLARS LEARNING.							Mahomedans and Christians.	Hindoo.
Sanskrit School.	Chatrahs for Hindee and Accounts.	Musjid and other Places for Arabic.	Schools for English, Persian, &c.	TOTAL.	English.	Arabic.	Persian.	Oordoo.	Sanskrit.	Hindee.	TOTAL.		
28	44	232	21	325	39	1,119	1,252	11	796	300	3,517	1,864	1,643

7. There cannot, I think, be the least doubt that the returns supplied by Major Edwardes, which were taken last and with the greatest care, are the most correct. Those previously rendered did not appear to me to have been taken sufficiently in detail to be really trustworthy, and I therefore requested him to take a detailed census afresh, of which this is the result, exceeding both of those which preceded them, in the number both of schools and of scholars; and I feel well convinced that even these fall short of the reality, more especially as regards the pupils instructed in the vernacular written character and accounts. But as they have been taken with great care, and as affording the nearest approach to the reality, I shall regard them for the purposes of this report as correct

8. Assuming the population of the district to be 5,67,991 souls, as shown by the census made under the orders of the settlement officer, the number of schools entered by Major Edwardes, in which are included the Government and the missionary schools, gives an average of one school for 1,717 individuals. Some residents of this district, however, especially from Râbon, resort to the missionary school at Lovohiannah, and those seeking instruction in Goormookhee are stated by Mr. Brereton to resort to Unritsur, where the wealthy traders, much to their credit, support such as are indigent.

9. When these returns were prepared, the school of the American Presbyterian mission at Jullundur numbered 95 pupils only; but since then this number has been greatly increased, and the institution, which is very admirably conducted, is becoming exceedingly popular.* The Government school has never been very efficient, and as it is wholly unable to compete with the mission school, I have found it a somewhat thankless task to evince an active interest in its progress, and have more than once been on the point of proposing its transfer to Râbon, where, it will be observed, there is a greater eagerness for instruction than elsewhere in the district. There is a considerable inclination shown by the better classes, both there and elsewhere, to learn English, as indicated by their resort to the missionary schools and otherwise; but quite in subordination as I think it should always be to instruction in the languages of the country.

10. Major Edwardes' detailed statements exhibit pretty fully the character of the instruction imparted in the schools generally, which very closely corresponds with that of the humbler class of indigenous schools of our older provinces. The Sanscrit

* The number of scholars at present on the books exceeds 300, and upwards of 250 are in daily attendance.

Sanscrit and Arabic teachers are, as a class, very inferior ; in Persian, the instruction is, for the most part, elementary and crude ; and in the vernacular Hindee, as taught in the Chatsals, but little more is imparted than an acquaintance with the local and very barbarous modification of the Devanagree character, commonly called the Tankreh, or Sandeh, together with some knowledge of account keeping. To these last establishments even the children of Mahomedans occasionally resort, as conferring the instructions required for the ordinary business of life, and it is stated that all castes and classes of the people supply pupils, save the sweepers and chumars, or the very lowest members of the community.

11. The abstract of so much of Major Edwardes' statement as refers to the number and pay of teachers, which will be found amongst the accompanying documents, shows the entire emoluments of these, excluding those in the Government and missionary schools, to amount to about Rs. 5,126. 12., being nearly 16 rupees per teacher per annum. While, however, this return shows but 163 ghomaos of rent-free land, valued 200 rupees, the settlement officer's returns of such lands, held by padhas and teachers, give 283 ghomaos, valued about 602 rupees ; besides which many voluntary payments and presents are made to them by the pupils in cash, food, clothes, or otherwise, which cannot be entered, and I have no doubt that if these can be accurately ascertained and added to these returns, the entire sums devoted by the people to the instruction of their children would prove to be at least double of what is here represented ; though, after all, the office of village teachers will remain but a very humble and poorly remunerated one.

12. In the department of female education all is, as yet, pretty nearly a blank. In so far as these returns show, some of the Mahomedans teach their females to read the Koran by rote, but no more ; and where a Hindoo female acquires some knowledge of the written character and of accounts, it is usually by force of individual character, as evinced later in life, the education of their girls being a thing generally unknown among the Hindoos. This subject is discussed with much intelligence from para. 9 to the close of Major Edwardes' letter of the 27th May 1852, accompanying, which will well repay perusal, the question of woman's social position being one affecting perhaps more vitally than any other the future well-being of India.

13. And of the Aluwallah Territory.

13. Besides the statistics of the Jullundur district itself, Mr. Brereton has supplied those likewise of the Aluwallah territory adjoining, as received from the late chief, being as follows :

Number of Schools.	NUMBER OF SCHOLARS LEARNING.				Mahomedan Scholars.	Hindoo Scholars.
	Arabic.	Persian and Oordoo.	Sanscrit and Hindee.	TOTAL.		
100	335	348	140	823	488	335

That chief showed a very commendable interest in all that he observed to be most approved by the British Government and its officers, and the present rajah, his son, appears to be influenced by yet higher principles of action. The Reverend Baboo Goluknath, the admirable superintendent of the Jullundur mission, is regarded with very marked respect and esteem by this young chief, who has himself become a tolerable proficient in English, and has more than once expressed his intention of establishing Christian schools at several places in this territory.

14. Passes on to these of Hooshiarpoor.

14. I now pass to the district of Hooshiarpoor, and annex, in connexion with it, copies of the documents noted in the margin,* together with the detailed statements

* Letter from Deputy Commissioner, No. 158, dated 6 November 1851.
2. Ditto ditto, regarding female education, No. 51, dated 14 April 1852.
3. Extract of report from settlement officer (Mr. Melvill), dated 30 June 1852, with tabular statement of educational returns for four tehseels of Hooshiarpoor District.
4. Extract from report of settlement officer of the Makeeian and Dasoha Pergunnah, of 29th May 1852, being remarks by Mr. Morris, assistant settlement officer, with tabular statement for that tehseel.

ments in original which accompanied Major Abbott's letter of the 6th November, not considering it necessary to have these last transcribed.

15. The returns, as in the case of Jullundhur, exhibit the state of things existing two years ago; but, under existing circumstances, this is not, perhaps, of much importance. The returns of the Settlement Department, or, at all events, those collected by Mr. Melvill, are entitled to much greater confidence than in the case of Jullundhur, of which the settlement proceedings had been in a great measure completed before particular attention had been turned to the subject of educational statistics, and the discrepancy which exists between their results and those elicited by the inquiries of the Deputy Commissioner may seem to show how difficult it is at present to ascertain the true state of the case.

16. The detailed statement furnished by Major Abbott gives the total of schools and scholars shown in the margin;* while it shows the remuneration of the teachers to be derived, as in Jullundur, sometimes from the contributions of scholars in cash, grain, or food; sometimes from perquisites on specified occasions; sometimes from yearly or half-yearly gifts of grain from the village; in some instances from Government grants, and more frequently than appears to be the case in Jullundur, from a fixed allowance granted by one or more benevolent and public-spirited individuals who have established and supported the schools. I have not, however, thought it necessary to prepare an elaborate analysis or abstract of this statement, deeming the returns of the Settlement Department to be more trustworthy.

17. The returns of Mr. Melvill, settlement officer for three tehseels of this district, give the number of schools and scholars noted in the margin,† while the settlement officer's for that of Dasolia (Makerian) give as follows:—

HINDOO SCHOOLS.	PERSIAN SCHOOLS.	TOTAL.	MAHALS PER SCHOOLS.	INHABITANTS PER SCHOOLS.
31	44	75	3 $\frac{4}{16}$	2,306

He

* 1. Arabic, Persian, and Oordoo schools (including one Government institution)	61
2. Hindoo schools (including one Government institution)	21
TOTAL of Schools	82
3. Mahomedan scholars	320
4. Brahmin	198
5. Khutree	288
6. Kayath	5
7. Bunneah	50
8. Miscellaneous castes ditto	217
TOTAL Scholars	1,078
† Schools in which Persian, Oordoo, &c. are taught	111
Ditto, in which Hindee, &c. are taught	39
Ditto, in which Goormookhee is taught	6
	156
Scholars, Mahomedans	859
„ Hindoo	831
	1,690

18. There is uniformly but one master to every school, and Mr. Melvill has ascertained, from very minute inquiries, that the average emoluments of each, in so far as these are of a definite character, are *Rs.2. 7. 4.* per mensem, which would give *Rs.567. 14.* per mensem, or *Rs.6,814. 8.* per annum, for the whole. Besides this, however, food and presents of different kinds and of varying amount, are given by the children or their parents, and there are about 526 ghomaos of land recorded as held rent-free by village teachers, of which the estimated value is between 800 and 900 rupees. The entire sum, therefore, expended in this district upon education would appear to be by no means less than in that of Jullundur; but this I believe to be contrary to the fact, and regard this, therefore, as an additional proof that the amount shown in the Jullundur statement is considerably below the truth.

20. The example has, moreover, been lately followed by the other pergunnahs of the district, and the yearly collections at present agreed to are as noted in the margin,[†] exclusive of Una, of which the returns have not yet been communicated to me, and in which arrangements are only now in progress. Owing to the existence of a Government school at "Hooshiarpore," that pergunnah has subscribed the least; but schools have been established at Mahilpur, Garsbunkur, and Harriana. The aggregate collections will not fall short of 200 rupees per mensem, and the entire arrangement is one which, I cannot doubt, will be regarded by the higher authorities as reflecting great credit alike upon the zameendars who have thus come forward, and on the benevolent and energetic public officer who has brought it about.

22. The

* 193 villages pay 2 rupees each per annum, in two instalments	-	-	-	-	-	-	-	-	-	<i>Rs.</i>	386
361 villages pay 1 rupee each per ditto ditto	-	-	-	-	-	-	-	-	-		361
12 villages pay nothing	-	-	-	-	-	-	-	-	-		—
566 villages in all pay	-	-	-	-	-	-	-	-	-	<i>Rs.</i>	747
† 1. Hurriana	-	-	-	-	-	-	-	-	-		524
2. Garbshankur	-	-	-	-	-	-	-	-	-		454
3. Hooshiarpoor	-	-	-	-	-	-	-	-	-		288
TOTAL										- - - <i>Rs.</i>	1,266

22. The entire population of the Hoo-hiarpoor district, derived from the combined returns of Mr. Melvill and of the settlement reported by Mr. Temple, is 749,281 souls, being more than one-fourth in excess of that of Jullundur; this would give one school to about 3,244 individuals. Mr. Melvill states, that in the portion of the district reported upon by him, there is one school to 1,992 souls, or to every 779 boys under age, so that one only in about 70 of the latter appears to receive any education.

23. In respect of female education, Major Abbott reports that here, as in Jullundur, it is a system unknown, and he considers the people to be decidedly opposed to it in sentiments. But he suggests, that if a female school were established at the Sudder station, he is fully assured the ladies of the European gentry would take a lively interest in superintending and promoting it.

24. The district of Kangra now remains to be considered, in which district alone no Government school has been hitherto established, though the desire for education evinced by the people, who are all of hill tribes, is certainly not less than in the other districts. In connexion with this district, I annex copies of the documents noted in the margin,* from which it will be seen that the Assistant Commissioner, Mr. Forsyth, has taken a very special interest in this subject, and deserves, in my opinion, great credit for the exertions he has made in connexion with it. Major Lake, while in charge of the district, established and supported, from his own funds, a school at Kangra; this Mr. Barnes continued, and likewise established one at Nadon, and one in Koolloo; the latter with the aid and in co-operation with the Rev. Mr. Prochnow, of the Church Mission at Kotegurh, who has much interested himself in that secluded region. Besides these, no schools appear to have been established until recently, in any way identified with the Government or its officers.

24, &c. Lastly, gives such statistics as have been collected at Kangra.

25. Of indigenous schools, it would appear from Mr. Forsyth's inquiries, that at the time when they were made (now three years ago), there were in all 23, as noted in the margin,† containing 154 scholars, though in these the Nadon school is included, as it is in part supported by the boys. The above indicates that each school has an average of between six and seven boys, which appears to me to be small; for although, as remarked by Mr. Forsyth, the Sikh rule tended to discourage schools, yet a great keenness is evinced to acquire tuition when readily available, and, as he observes, where a wealthy or public-spirited individual establishes a school, the children of the neighbouring zemindars immediately flock to it. In the villages, however, their comparatively small size, generally speaking, and the scattered character of the habitations, no doubt, are circumstances unfavourable to the collection of many children in one place.

26. The ascertained cash payments received by all the masters appear to have been about 877 rupees per annum. But of the 23 teachers, nearly the whole derived emoluments of different kinds from other sources, as I have indicated in the margin.‡ The schools are described as being, for the most part,

* 1. Letter from Deputy Commissioner, No. 22, dated 28 January 1851, with enclosure from Mr. Forsyth, Assistant Commissioner.

2. Letter to ditto, in reply, No. 137, dated 4 February 1851.

3. Assistant Commissioner's reply, No. 40, dated 26 March 1851.

4. Letter from Officiating Deputy Commissioner, No. 77, dated 24 April 1852, on the subject of female education.

† 1. For vernacular and accounts	-	-	-	-	-	-	-	-	-	-	5
2. For Sanscrit	-	-	-	-	-	-	-	-	-	-	8
3. For Persian	-	-	-	-	-	-	-	-	-	-	10
TOTAL											23

‡ 3 got their daily food.

3 were paid for reading prayers.

7 kept accounts or fulfilled other functions for villagers or others, and were paid for it.

2 got presents or fixed allowance of grain.

1 got pice from his scholars on Sundays.

5 held land, 81½ ghumaos in all.

part, of about a temporary character, dependent for their continuance on the liberality or interest of one or two individuals, but they have been gradually assuming a more and more fixed character.

27. At the present time the following schools are established under the auspices of the local authorities, chiefly through the exertions of Mr. Forsyth, and supported at a cost of 72 rupees per mensem, raised by voluntary contributions :—

LOCALITIES.	HINDEE AND ACCOUNTS.	PERSIAN AND OORDOO.	MIXED.	TOTAL.
At Kangra - - - - -	1	1	- -	2
At Noorpoor - - - - -	1	1	- -	2
At Nadon - - - - -	- -	1	- -	1
At Seyanpoor Tera - - - - -	- -	1	- -	1
At Sultanpoor (Kulloo) - - - - -	- -	- -	1	1
At Palach (in ditto) - - - - -	- -	- -	1	1
TOTAL - - - - -	2	4	2	8

Besides these places, he strongly urges that they be established likewise at Haneepoor, Jawala, Mukhee, Indowra, Dhurmsala, and other places ; and there is not, in fact, any considerable village in the district possessing a good bazaar, in which a desire for the establishment of a school is not evinced. There has, however, been no mulbah allowed in this district at the time of settlement for village expenses, while the scattered character of the hamlets almost precludes, in most parts, anything like co-partnership amongst the agricultural classes.

28. No correct census of this district has as yet been supplied to me, but the number of houses shown by the settlement returns is 111,783, which, if five individuals be assumed as the average to each house, will give an aggregate of 558,915 souls, being a nearer approximation to that of Jullundhur than appears to me to be probable. It can hardly be supposed, either that out of so large a population there should not be so many as 200 scholars obtaining instruction at one time ; and as I have not found the better classes, generally, by any means more illiterate than the corresponding classes elsewhere, it is certain that many more are taught to read and write than appear on the school returns.

29. Female education, Mr. Bayley, the officiating Deputy Commissioner, states to exist in this district to but a very partial extent, a few females only in the wealthiest families being instructed, and this usually only to the extent of being able to read over and repeat portions of religious works, which they comprehend but inadequately, if at all. He is not aware that there exists any positive prejudice against females acquiring knowledge ; but thinks that any efforts to instruct them on the part of the British Government, or its officers, would not at present be appreciated, and accordingly recommends, I think, judiciously, that our efforts be, in the first instance, confined here to the instruction of boys.

30. To sum up the statistical results, so far as heretofore obtained, the following table will show proximately the state of each district in an educational point of view, though, as I have above indicated, the amount of tuition here shown

shown, I believe to fall short of the reality in all cases, and in some very considerably so :—

DISTRICTS.	Population as ascertained or Estimated.	Number of Schools.	Number of Scholars.	Annual Emoluments of Masters from all Sources, proximately Estimated.	REMARKS.
				<i>Rupees.</i>	
Jullunder - -	5,67,991	325	3,517	10,000	This is a very rough estimate of emoluments, being nearly double the amount recorded by Major Edwardes.
Hooshiarpoor -	7,49,281	231	2,490	12,000	2,400 rupees have been added by contributions of zameendars from the Malbah, and I have added about 2,000 rupees on account of food and presents.
Kangra - -	5,58,915	30	230	2,500	The number of pupils in schools recently established has been assumed to be, on an average, between 10 and 11; and about 40 per cent. has been added to the recorded emoluments on account of food, presents, &c.
TOTAL - - -	18,76,187	586	6,237	24,500	

giving about 1 in 300 of the whole population as being at one time under education, and about 42 rupees per annum, or Rs. 3. 8. per mensem, as the average emoluments of each teacher derived from all sources.

31. The statistics of indigenous schools in the North-Western Provinces, as collected previous to the introduction of an organised system on the part of Government for promoting village schools, exhibited the following results :—

Total Population.	Number of Schools.	Number of Scholars.
23,199,688	7,966	70,826

so that in so far as the returns then supplied, and those of which I have above given a summary, may be regarded as proximately correct; the comparative table given in the margin* may be deduced, which certainly does not exhibit in an unfavourable light, as compared with their brethren of our older provinces, the desire of the people of this doab to obtain for themselves such knowledge as they find most useful for their ordinary avocations.

32. Having adverted in the foregoing paragraphs to all in the way of statistics which has been here collected, I shall now proceed to state, first, the results and deductions which I draw from the inquiries made, and the facts thus supplied; secondly, my own views on the subject of education generally; and, thirdly, the measures which I would recommend for adoption here.

33. It has been ascertained to the satisfaction of every district officer as well as to my own, that there is everywhere a very keen desire for education. The scheme established by Major Abbott very clearly evinces this, as respects the district of Hooshiarpoor; numerous applications for teachers are constantly being made

Proceeds to consider the results deducible from the inquiries made ;

The most prominent of which is, that a very earnest desire for instruction exists in many quarters ;

TERRITORY.	Ratio of Scholars to Population.	Average Number of Scholars to each District.
North-Western Provinces - - - - -	1 to 327	8.89
Traus-Sutlej Territory - - - - -	1 to 301	10.64

made from all quarters, and I have myself been frequently almost mobbed upon my tours, especially of late, by portions of the inhabitants of some of the towns and larger villages, intreating that arrangements may be made by Government for the education of their youths, and qualifying them for public employ, this last being at present the great desideratum with those classes who chiefly seek for instruction ; as instances, I may specify Rahou, Nurmahal, Jhandiala, Bangeh of Jullundhur, Tanda, Miaie, Mukerian, Huniana, Una of Hooshiarpoor, Noorpoor Indonia, Tira, Nadon, of Kangra, though these are by no means all the places in which an earnest anxiety for a teacher has been evinced.

But that the standard heretofore existing is a very humble one as regards both the description of education and the character and emoluments of teachers.

34. It is very certain, however, that the standard of education heretofore has been very low, the emoluments of the teacher altogether insignificant, the language and characters employed rude and various, and the results attained of a very humble order, though in these respects there is not, I think, any reason for supposing that the state of things here existing falls much below or materially differs from that found to prevail in most parts of the North-Western Provinces. The object aimed at in the great mass of indigenous schools is here, as well as there, to qualify the boys for shopkeeping, or the simple intercourse of village life and rustic accounts ; and those teachers are, amongst the agricultural population, comparatively very few who aim at qualifying their pupils either for official duties or for any really intellectual occupations.

Likewise that the desire extends in a greater or less degree to nearly all classes ;

35. The desire and aptitude for education too includes here a very large proportion of the classes into which the population is divided ; a very few, in fact, only of the very lowest castes being ordinarily excluded. The Khuttries and Brahmins undoubtedly stand first on the list of candidates for superior education. But the Rajpoot, whether Hindoo or Mussulman, the Jat, the Mahomedan Ram, heretofore an exclusively agricultural class, as well as Suds, Sonars, Bunnyas, and other shopkeeping classes, all participate, to a greater or less extent, in the desire for it, to say nothing of Snyds and others of the superior Mahomedan tribes, who look upon study as their proper calling ; and even carpenters, blacksmiths, and other artisans occasionally come forward.

Though not of a character which should lead us to expect much in the way of pecuniary contribution from the people ;

36. It would, however, I think be a mistake to suppose that the anxiety is of such a character as to afford a prospect of much pecuniary assistance being derived from the people themselves, for the present at all events, beyond the outlay already incurred by them, as it is owing, in a great measure, to their having learned that the British Government has everywhere established schools, that the keen desire for their extension to themselves has arisen.

As the classes who chiefly share the desire are for the most part reduced in circumstances, wish to be instructed solely with a view to gain a livelihood and adapt themselves to the altered requirements of the times, while all have been led to look to Government.

37. The benefits derived, even under Sikh rule, from the Loodianah schools established by the American missionaries, are well known and highly appreciated in Rahou and Jullundhur especially ; Government schools established at Jullundhur and Hooshiarpoor during the past few years, have further tended to show them these advantages, and while a higher standard of acquirements has been introduced into the public offices, the people begin clearly to see that knowledge is the foundation of our power, that it is highly appreciated by us, and that those possessed of it are most likely under us to prosper, hence they are importunate for the establishment of schools directed by Government ; but the classes who chiefly are so are not for the most part those who are well to do, but those who have already suffered in means and in prospects from changes of rule, and who in many instances find it very difficult to keep up the appearances which their station requires. To this, however, there are of course many exceptions, and Major Abbott has shown that some aid may be obtained by judicious management.

Further, that there is an utter dearth at present of both teachers and books ;

38. It has further been clearly ascertained that, as elsewhere in Upper India, there is an exceeding dearth both of competent teachers and of suitable indigenous books. In respect to the former, I have good grounds for believing that if the status and emoluments of a teacher were generally improved, a larger number of intelligent men of tolerable acquirements would come forward than are discoverable at present ; but as regards books we can only look to the stores of the Agra Government, which are happily so abundant, suitable, and constantly increasing, that, save in the Goormookhe Department, they leave us little to desire.

39. It has also been found that the Deva Nagree character is in much less general use here than in most parts of the Upper Provinces; while the slightly modified form of it, denominated the Kaithi, is unknown, a most barbarous provincial character, named the Landeh or Punkra, is that chiefly in use in the plains, the Paliari in the hills, but both differing more or less in the different pergunnahs, and all legible with difficulty, even by the writers of the Deva Nagree; indeed, it may be said that it has heretofore been unknown, save to pundits versed in Sanscrit; but since we have insisted upon its being used by our putwarries, a most remarkable impulse has been given to its study, and I have no doubt that it will ere long become nearly universal, if the educational system established be calculated to favour this. The Goormookhee is in but very partial use or favour anywhere in this division, and even that little appears to me to be on the wane, in common with the Sikh faith, from which it derives its importance and consideration.

While the most barbarous provincial varieties of character are almost exclusively in use, and the Deva Nagree but little known, though likely ere long to supersede all;

40. The Persian is perhaps more generally in favour here, than even in the majority of our older provinces, owing to the proportion of Mahomedans being greater, and to the vicinity to nations who employ it as their mother tongue. The study of Oordoo is regarded with some degree of contempt, as has been found very generally the case elsewhere. But with good books in that language made available, this prejudice, so far as it exists, would be speedily overcome, the people being necessarily aware that the language now adopted as that of the courts, possesses claims superior to those of foreign ones.

And Persian more generally in favour than Oordoo.

41. Of Sanscrit and Arabic, but little is studied, and that little for the most part of little worth, being confined in the former chiefly to astrological formulas, and the acquisition of a sufficient smattering of the language to inspire the ignorant with awe, and in the latter to the reading or reciting of the Koran alone, without its meaning being understood. There are perhaps men of respectable attainments scattered through the division; and at Kapunthula there is one really distinguished and enlightened Sanscrit astronomer, though a Khattree by caste, but I have been in no part of India where the learned languages are at so low an ebb.

The learned languages at the same time are less sought after or appreciated than in our older provinces,

42. The population generally, though possessed of strong masculine sense and many practically useful qualities, are uncouth as compared with those of Hindoostan proper, and being, moreover, less wedded, as it appears to me, to their religions, it might be expected that they would not give much encouragement to the professors of learning. For here, as in Europe in the middle ages, the higher branches of learning are almost indissolubly connected with religion and its ministers.

43. For English I am not aware that a decided eagerness has been anywhere shown; were an English class established at any or each Sudder station, it would no doubt be tolerably attended, as in the case with the English classes of the Jullundur Mission school, but with the exception of an energetic and enterprising youth here and there, I do not think the community in general has as yet imbibed or evinced any particular desire for its acquisition.

And English apparently but little desired as yet.

44. Of girls' schools, properly so called, there are at present none, though a considerable number of females of those in more comfortable circumstances are taught at home or privately. In the case of Mussulmans, solely with the view of enabling them to read the Koran. In that of Hindoos and Sikhs, with the object of keeping the household accounts, and reading and writing simple letters.

Girls' schools, properly so called, have not been ascertained to exist, though simple instruction is given to many females;

45. Amongst the Jat Sikh zemindars and petty sirdars, however, I am inclined to think that this partial education of their females has been more general than among the better classes of Hindoos in our older provinces; and when cases affecting this class have been brought into court, on meeting with any point of uncertainty I have frequently been good-humouredly requested by the sirdar to postpone the inquiry until he could refer to his wife, who was acknowledged to be the household authority in administrative matters; while zemindars coming to court, are not unfrequently accompanied by their wives, who come to look after them, and see that they do not commit any egregious blunders. I

And with some classes they appear to have more consideration and influence than in Hindoostan Proper.

gather from hence that they generally allow somewhat more of discretion of their females than is usual amongst oriental tribes, a characteristic worthy of this fine manly race.

Havin thus stated the results of inquiries, proceeds to express his own views on the subject generally.

46. The above summary may suffice to show what appears to me to be the state of the case at present as regards this division, and although there is a very wide difference in very many points between the people of the hills and those of the plains, most of the foregoing remarks will apply equally to both. I shall now proceed, as I have promised, to state my own views generally on the subject of national education, as applicable to this country.

There are two distinct objects to be aimed at. The first and most important, the elevation of the people at large. The second and subordinate one, to raise a class of officials for Government purposes ;

47. In its educational efforts, it seems to me that our Government has two distinct objects to keep in view ; the one to raise up suitable candidates for our public offices, which has I fear much more exclusively than might have been desired, been the aim, or at all events the result, of nearly all our efforts heretofore, until the establishment of village schools was determined on, except, perhaps, to some extent, at the Presidencies. The other, to raise the intellectual condition generally of the populations intrusted to us, which I regard as being beyond all comparison the more important. It is indeed in theory, I believe, universally admitted to be so, and regarded as in reality the object at which we are aiming, though I do not think that our practice has, at all events until of late, borne out this view.

For the first of which, however, the fostering care of Government is much the most indispensable.

48. Not only, however, do I consider that the education of the members of our official establishments is less important than the education of the general mass of the people, but I believe it to stand much less urgently in need of the Government's fostering care. Even if Government should hold entirely aloof, the powerful operation of self interest would ensure a supply of tolerably educated young men, in some respects better adapted for this purpose, while, as respects the people at large, placed as we are, a civilised race, over one much less advanced, it is not to be expected that without our guidance, encouragement and invitation, they can understand the character or appreciate the value of that higher state, towards which it should be regarded as our paramount duty to endeavour to conduct them.

And although the great importance of raising a superior class of Government officials is fully admitted ;

49. I would by no means be understood as estimating lightly the importance of having really well trained youths to fill our offices ; far from it ; I am well aware of the great benefit to the administration and to the people which must result from this in many ways, and I have been greatly gratified to observe that a higher tone of morals as well as a more comprehensive and liberal grasp of mind, very generally characterise the youths who have been introduced from our superior seminaries at Agra, Delhi, and Benares. I am aware too, that if rendered part of a general system, this must have an important effect towards recommending and extending education generally. But, nevertheless, I would strongly urge the view which I have expressed above, and I believe that our course of proceeding will be materially altered, if the elevation of the people generally be steadily regarded as the main point to be aimed at ; I think it of very great importance that this be kept constantly in view.

It is nevertheless deemed to be most essential that the relative importance of the above two distinct objects be kept prominently in view, as calculated materially to affect our general course of procedure.

First, as it will raise in our estimation the importance of village schools, and all institutions and efforts calculated to operate on the mass, as contradistinguished from the select few.

50. One result of it must be, I think, to raise in our estimation the value of village schools, for in the educational as well as in almost every other branch of national administration, I think I may assume it as a fact, which all history establishes, that nothing really effective or wholesome can be accomplished unless we proceed upon what I may term the synthetical mode of dealing with it, that is, by first creating, as a substantial foundation, an intelligent and educated population, capable of appreciating the higher acquirements of their superiors, and then building our superstructure upon this.

51. It was once remarked to me by a very enlightened missionary, that if the mass of the population were taught to read and write, and to think and reason with tolerable intelligence, half of his work would have been accomplished. The remark made a deep impression on me at the time, and has ever since remained uppermost in my mind in connexion with this subject. It was made directly in view of the proposed establishment of village schools, and who can doubt

doubt the immense effect upon public opinion which must be brought about, not only as regards religious belief, but in respect to administration, social intercourse, and all else that affects man's wellbeing, if a spirit of inquiry, however slight, could once be instilled into the mass, amongst which will be found very many minds of great natural vigour and strong common sense.

52. The select few, however, rather than the great body of the people, have been heretofore for the most part preferred, and by all our efforts hitherto to create superior scholars, independently of the mass, what effect have we produced, but to raise a body of youths having little in common with their humbler brethren, and producing little or no effect upon them? At the Presidencies, where our measures have been still less indigenated, I may go yet further, and assert that a large proportion of the youth educated in our Government seminaries look with contempt upon their fellow countrymen, who reciprocate the feeling with bitterness, while they themselves, in many cases I fear, have been morally in no way improved, either as subjects, or as men, by the intellectual culture they have undergone.

53. Another result which it appears to me must follow from this view of the matter, is to remind us how necessary it is for our Government to take the task, in the first instance at all events, wholly or nearly wholly into its own hands, save only where the philanthropic and devout of Europe and America lend their aid. Under representative governments it may with some be deemed a question how far it is requisite or even proper for the ruling power to interfere in the work of education any further than the people themselves may invite them so to do. But with a government so far advanced beyond the nation entrusted to it as that of British India, such a sentiment must obviously be out of place. It is a most essential part of our mission here, to strive to raise the people in the intellectual scale, even in spite of their own apathy, if such should exist, and I should be disposed, therefore, to admit, to but a very partial extent, the argument not unfrequently adduced, that the assistance of Government should be granted only in proportion as the desire for education is locally evinced.

Secondly, as it will serve to remind us that the duty is one which, in the peculiar position of the British Indian Government, it is bound to take upon itself, independently to a certain extent if necessary, of any spontaneous movement on the part of the people.

54. While, however, I entertain this opinion, I feel all the more impressed with the conviction that it is our bounden duty to do all in our power towards rendering education popular and acceptable; and for this reason, I deem it most important to bear in mind that we have here to deal with a people far from unlettered, who possess, on the contrary, the Mahomedan and Hindoo alike, an ancient literature, which they regard with great reverence, and that it is, therefore, in fact, regarded by them, much in the light of a gratuitous affront to commence, as I fear we have but too generally in practice been wont to do, by letting them understand that we regard this literature as useless, or worse, and that to meet our views they must wholly set it aside and begin upon an entirely new score.

Having stated these general principles, goes on to observe, that although such spontaneous movement on the part of the people should not be looked for as the condition of our interference, every effort should be made to secure their co-operation;

For which reason the exhibition of a contempt for, or disregard of that literature which they venerate, appears highly inexpedient,

55. To repudiate the use, and as it were the very recognition of the Oriental learned languages, because the works which they contain are deemed unprofitable, and many of them positively injurious, is, in my opinion, to deal with the subject on a much narrower foundation than it deserves; if it were proved that nothing could be effected by us through the medium of these languages, and that the professors of them were incapable of being made available for our purposes, then it must indeed be useless to discuss the matter further. But this I cannot admit to be the case; and those who have given the matter a fair trial, and have had the best means of forming a correct judgment, have come to a very different conclusion on both points.

And the grounds on which this course is defended insufficient, as taking too narrow a view of the subject, and indeed an incorrect one.

56. As respects the first point, viz., the use which may be made of these languages, it is now well known to those at all versed in Oriental literature, that in both the moral and the physical sciences many of the works comprised in that literature contain, mixed up with more or less of error, a great deal of truth.

Arguments adduced to show the use to which that literature, or portions of it, can be applied in perfect conformity with our views, and as part of a general system of superior education;

57. As regards the Arabic, our own historical records show with more or less clearness, the times and points of connexion and separation between the sciences it records, and those of European nations. Plato, Aristotle, Ptolemy, Hippocrates, Galen, and others of the Greek philosophers, astronomers and physicians, are still with the students of Arabic and Persian as household names, though their teachings have been much perverted, and are now misunderstood.

58. And as for the Sanskrit, though history affords, perhaps, but little light, there can be no doubt that in times past such connexion, or at all events, intercommunication in respect to science, has existed to a large extent. The Yavanas (or Ionians, their name for the Greeks) are in their Shastras repeatedly referred to as prodigies of knowledge, though impure; and the science of the best Sanskrit works is in fact much the same with what existed at periods not very remote amongst ourselves. Seeing, then, that we have thus started as it were from the same foundations, I leave it to each intelligent mind to judge whether it would not be our best wisdom to avail ourselves of this, and showing our pupils first how much we possess in common, to lead them on from thence through the demonstrable stages by which we have attained to higher truths.

As well as to show that it is a mistake to suppose the professors of that literature, or a large portion of them, cannot be won over to our cause;

59. As respects the second point, viz., the extent to which the existing Oriental professors may be rendered available for our purposes, it has been found by all who have fully inquired into the subject: First, that the scholastic mental training acquired in the study of those languages, renders their students for the most part, the most apt, intelligent, and scrutinising of all pupils; the keenness and profound skill with which an intelligent young Pundit will grapple with any question in European grammar, logic, metaphysics, mathematics, astronomy, or any other subject, when proposed to him in a light connecting it or contrasting it with his own past studies, being really amazing; and secondly, that instead of holding aloof from us with haughty contempt, as is but too generally the case with the learned men of the land, this class when treated thus, give up much, and in many cases all of their inflexibility and assumption of superiority, becoming not unfrequently pliant and most valuable instruments in our hands.

Especially as respects the Pundit professors of Sanskrit literature.

60. How far this last may be the case with respect to Arabic professors I will not say, as an active fanaticism in their case increases the difficulty, and I am not aware that with them the experiment has ever been fully tried in the mode which I have indicated. But with those of the Sanskrit, which, as affecting by far the largest part of the population, must be deemed the most important, it has been carried out occasionally to a considerable extent, and is now most vigorously and in a most interesting manner in progress under the care of the accomplished principal of the Benares College.

Refers to the efforts of the late Mr. Wilkinson in this matter;

61. The first efforts made in this direction with which I am acquainted, were those of the late Mr. Wilkinson, political agent in Bhopal, a philanthropist of a very high order, who succeeded in the course of a very few years in creating a degree of excitement, inquiry, and mutual intercommunication on scientific subjects amongst the learned Hindoos of Central and Western India, such as they themselves acknowledged had not been known for generations, at the same time that the minds of the most susceptible were becoming greatly liberalised, some of them practically evincing their desire to extend the same spirit amongst their countrymen generally, by the composition of some very commendable vernacular books, almost the first ever issued of a character calculated to be readily understood and appreciated by the mass.

And to the operations now in progress in the Benares College, as tending to raise up a class of really enlightened pundits.

62. But the operations now in progress at Benares, to which I have above alluded, have greatly extended the field which Mr. Wilkinson first opened to view; and while the latter regarded the mathematical and exact sciences as affording the only arena on which we could advantageously employ the weapons furnished by Sanskrit lore, Dr. Ballantyne has clearly shown that it may be extended so as to include every branch of mental philosophy; in fact, with the exception, perhaps, of history and geography, and such sciences as are of comparatively recent origin, every subject of inquiry, perhaps, on which the human mind can engage.

engage. What was thought of his labours by the late lamented Lieutenant-governor of the North-Western Provinces, will appear from a reference to the successive educational reports of late years; and the extract which I subjoin as a foot note* shows the opinion formed by an intelligent missionary as to the importance of the results to which they are tending.

63. It appears to me indeed to be difficult to conceive how it can be otherwise; how a youth led on from truths which have with him all the force of religious sanction, by a series of steps which are capable of certain proof, to yet higher truths, can fail to be convinced and won over to his teachers, and softened thereby, or how he can fail ere long to perceive that the nation which has proved itself superior to his own in the arts of war, in mechanical skill, and in its administrative power, is also its superior in the culture of the intellect, and in moral and physical science, which (strange as it may appear) the great mass of learned Indians at present most assuredly do not admit or believe amongst themselves, whatever the disposition to flattery may lead them to say before us. I might go even farther than this, but it is unnecessary that in this place I should do so.

64. These important advantages then being in my estimation obtainable from the use of the learned languages of the East, as handmaids in our work, while in a preceding paragraph (54), I have pointed out on the other hand the evils which I think result from any system which may tend to segregate our pupils from the mass of their countrymen, I shall most sincerely regret if the study of these is excluded from the higher order of educational institutions which may be established in the Punjab; and the arguments which I have employed above, it is to be observed, are wholly independent of the consideration, by no means an unimportant one, that even for a correct knowledge of the vernaculars, and still more, for their further improvement and extension, a reference to these is indispensable.

65. To render their study, however, a source of advantage, indeed to prevent its proving absolutely injurious, it must be conducted in an enlightened spirit; not as though the acquisition of the language were alone the object aimed at, which has been but too generally the case with our Sanskrit classes, and has brought them into contempt, but on a method which shall regard them only as a means of leading to much more important ends; and I would by no means be understood as intending that they should in any respect supersede or exclude any other branch or method of instruction whatever. My anxious wish, on the contrary, would be to see all, as far as may be practicable, mellowed into one uniform whole, each branch and each department aiding and co-operating with all the rest.

66. And though I would confine the direct communication of the learned languages to our superior seminaries, I would seek to introduce the same spirit of forbearance and recognition into every portion of our system. In a village teacher, even, I should consider it a recommendation rather than otherwise, that he was acquainted with those languages; and I am glad to perceive that this is to a considerable extent

* Extract from Journal of the Rev. J. Lang, in January 1853, published in the Quarterly Missionary Intelligencer for March 1853:—

"I spent a day in the Government Sanskrit College, and was delighted in seeing the result of Dr. Ballantyne's labours in training up a class of pundits, good English and Oriental scholars. I selected a difficult passage for the senior class, from Lewis's History of Philosophy, which they translated quite fluently into Hindee; as the Hindee terms are derived from the Sanskrit, I understood them, and was pleased beyond measure with the accuracy with which they rendered them. Would that these men were Christians; what valuable agents they would make as translators and preachers! We want more Oriental learning among our missionaries, to give them due weight with the natives. One pundit I saw here has composed more than a dozen books in Hindee."

And again, referring to the examination and distribution of prizes, &c., held before the Lieutenant-Governor, he observes, "Khillats, or robes of honour, were distributed, among the rest, to Bāpā Dēna (a pupil and protégé of the late Mr. Wilkinson, above mentioned), a noble pundit, for translating various works into Hindee, and as a reward to his efforts for diffusing knowledge among the masses through the vernacular."

extent the case in the schools of the North-Western Provinces, as Mr. Reid, in the 7th para. of his late report, remarks: "Inquiry would doubtless elicit the truth of the hypothesis, that the vernacular dialects are more often grafted on to the study of the dead languages, than the latter are introduced into Hindoo and Oordoo schools. The old pundit, who with a view of keeping up his own importance and character for learning, teaches Sanskrit, is called on by his employers to add thereto the multiplication table and Hindee accounts, &c.

And the preparation of school books.

67. So likewise in the preparation of our school books, I should wish to see the statements supporting our views, which are to be found in their literature, freely adduced; and I would endeavour, in all ways, to lead the people and their teachers to understand and believe what is indeed the fact, that our mental and physical sciences are not so much antagonistic to theirs as advanced beyond them. That in very many matters the views they now propound in the really scientific portion of their works, are the same which our ancestors propounded, and that advancing onwards from them, we have attained to those which we now hold, and are prepared to prove to them.

Further urges that this course is the only one which is really just and generous towards the people;

68. I have in the foregoing argued the matter merely as one of expediency, but my own feeling is, that a spirit of generosity and of strict justice will dictate the same course. Few, perhaps, who

have not fully studied the matter, will be able to appreciate the importance of the mode in which we address ourselves to the people, and endeavour to obtain an access to them. But the more it is considered the more important, I believe,

And most likely to secure the wavering inclinations, and calm the fears of their present teachers and spiritual guides.

will it appear. The professors of learning and ministers of religion amongst the Hindoos are at present very generally in a somewhat painful and critical position. Their income has greatly diminished: the respect of the people for them is becoming less

profound and universal; and their first impulse is to denounce and regard with hatred the Government and the people to whom this progressive change is attributable. But the very alarm and uneasiness which this has begun to cause renders them all the more accessible to influences or invitations, pointing out to them a course leading to more cheering results. And if there be any part of India in which this is the case, it is most emphatically so, I think, in the Punjab.

69. I do not mean to say that the ministers of religion and knowledge in this land generally have begun to distrust their systems; but as respects the Hindoos, all must feel that an important change is taking place, and a very large proportion of the more reflecting, I am satisfied, entertain very serious apprehensions of the result. Shall we then content ourselves with leaving them to their own exclusiveness, ridiculing their absurdities, and remaining indifferent about ascertaining their merits, or shall we endeavour to put them in the way of taking a share with us in leading the national mind? Surely an enlightened government will prefer the latter course, and as surely will that course best secure the approving voice of posterity and the present acknowledgments of a grateful people, not to speak of higher inducements to do that which is in itself most just and charitable.

And should any doubt the practicability of the method proposed, points to the results of the efforts which have been made in a few instances by those competent to the task, as proving the reverse.

70. To those who consider that such results as I have anticipated in the foregoing paragraphs are impossible, and that every effort which has hitherto been made has failed, I would reply that the few enlightened Pundits who have been raised up by philanthropic students of Orientalism among our countrymen proves the contrary, and shows that the mode only in which the attempt has been made is in fault. The most ardent admirers of European knowledge and acquirements whom I have known amongst Hindoos are from amongst this class; and no one who has endeavoured to understand and appreciate the learning of the Hindoos and the character of its professors can, I think, have failed to discover how readily and pliantly the latter, as a general rule, respond to the spirit of forbearance and inquiry thus evinced.

And expresses an earnest hope that the arguments in its favour may be fully considered, when framing a system of education for the Punjab.

71. I have discussed this subject at a length which I fear it may not be deemed by all to deserve; but I regard it as so fundamental a point in laying down any general system of education, that I should not be doing justice to my own feelings on the subject were I to be less explicit and explanatory regarding it; the more

so, as I fear there are not many who entirely agree with me; and the study of Sanskrit has, I believe, been formally expelled from the Umritsur College. My convictions on the subject are very earnest, and have not been taken up hastily, having been matured, whether correct or erroneous, during a long series of years; and I do anxiously hope that in laying down a scheme of education for the Punjab they may be fully considered.

72. Another measure to which I think it would be highly expedient to resort for the same object which I have prominently urged above, viz., that of conciliating the co-operation of the people and their present intellectual guides, is the grant of lands rent free to village teachers. My views on this point, and in regard to measures generally for rendering the office of village teacher popular, were pretty fully stated in a memorandum, of which an extract has been published at page 90 of the Memoir on the Statistics of Indigenous Education, issued under the orders of the Honourable the Lieutenant-Governor, North Western Provinces, and to that extract accordingly, which I annex as an Appendix (No. 1), I would refer.

Recommends further, as a measure of conciliation, the grant of lands rent free to teachers.

73. From the documents published with that memoir, it appears that the Honourable the Court of Directors have for the present negatived, as regards the North Western Provinces, the proposition made by the Lieutenant-Governor to allow rent-free grants to teachers. Their objections to it, however, were expressed in modified terms; and as they fully admit that this arrangement would possess many advantages, it will not, I trust, be deemed presumptuous in those who regard the measure as one of great importance again to urge its being taken into consideration.

74. The main objection urged by the Honourable Court is, that these grants must have a tendency to become hereditary, and that it would be difficult so to control the holders as to ensure their devoting their energies to the task of education. This objection I have repeatedly heard urged in this country likewise; and it must be admitted, that if our Government were to carry out the measure at all in the spirit of religious and charitable grants as held under former governments, the objection would hold good in all respects. But I would respectfully submit, that in this matter everything must depend upon the general system that may be introduced for controlling and regulating the educational establishments generally; and if these were really effective and vigorous, it appears impossible that the above liability should be realised, and the acknowledged benefits of the system would then remain without any counterbalancing evils.

Observing that the objections usually urged against it cannot have any valid existence, if the department of education be adequately supervised and regulated.

75. The funds arising from this source would at all events form but a portion of the entire amount to be devoted to the purposes of education; but they would in my opinion go further, and be regarded by the people with greater satisfaction than the same amount supplied in any other manner; and if on trial, for which a short time would suffice, it were found that this opinion is not borne out by experience, it could be at any time relinquished without inconvenience. From the abstract which I append to this report (marked No. 2), it will be seen that some charitable grants, and grants to teachers, astrologers, household priests, physicians, and such like, exist in this division, which have been released for the lives of incumbents; and if these should be declared available, as they successively lapse, for educational purposes, I feel strongly impressed with the belief that Government would have no cause to regret having given the experiment at all events a trial.

And states that grants of this character already exist to some extent, which may be made available for this purpose, some at once and some prospectively.

76. I now proceed to the last division of the subject which I have proposed to consider, viz., the specific measures and arrangements which I would recommend for adoption here, prefacing my remarks with a statement of the pecuniary aid which I have to solicit for the purpose on account of this division; and on this point I would earnestly solicit, in the full assurance that I shall not solicit in vain, the liberal education of Government in behalf of a region peopled by the most energetic and least prejudiced, perhaps, of all the populations of Hindoostan, a region possessing vast capabilities, and of which the progress is likely to be rapid and vigorous, while, as being the advance guard of the empire in its most excitable quarter, it cannot but be watched with keen interest by European as well as by Oriental observers.

Proceeds to consider the pecuniary aid required from Government for a general scheme of education.

And as the people themselves of Jullundhur and Hooshiarpoor each contribute about 1,000 rupees per annum for the instruction of their children.

77. From the abstract of the present outlay on schools, given above in para. 30, it will be observed, that in each of the districts of Jullundhur and Hooshiarpoor, the people themselves supply about 1,000 rupees per mensem for the purposes of education; and although that abstract cannot be regarded as more than a rough approximation, yet I feel fully satisfied that the real amount is by no means less than what I have there represented. For Kangra the amount shown is much less; but in that district, owing to the scattered position of hamlets and dwellings, resulting from its hilly character, I believe domestic instruction to prevail more largely than in other districts, so that the returns probably do not so correctly show the true state of the case.

Recommends that Government add one-half of that amount for each of those districts, to be expended in salaries of teachers, &c., and 350 rupees for Kangra.

78. What I would propose, then, is, that Government allow for the present one-half of the above amount in addition; that is, 500 rupees per mensem for each of the two first-named districts, to be devoted to stipends for the conducting of schools, and 350 rupees in like manner for Kangra, of which the wants are, as yet, somewhat less; of these sums about two-fifths should, I think, be appropriated to schools in villages and towns of the interior, two-fifths to schools at the tuliseels and sudder stations, and the remaining one-fifth to the maintenance of inspectors, whom I regard as most indispensable.

Besides 75 rupees per mensem to each of the first two, and 50 rupees to the last, for contingencies and scholarships.

79. In addition to the above, I propose further, that 75 rupees each per mensem be allowed to Jullundhur and Hooshiarpoor, and 50 rupees to Kangra for contingencies, and for stipends or bursaries to the most meritorious students, as I shall subsequently explain. In the first instance, these sums would be urgently required for the purchase of school furniture, books, and other educational materials, until the taste for these and the inclination to purchase them for themselves shall have spread so as to relieve Government from the charge, as well as for aiding in the erection of the school-houses themselves; and ultimately the whole amount, or as much of it as can be spared, will be most welcome and valuable for the support of the bursaries above alluded to.

With 500 rupees per annum and 400 rupees respectively to the same districts, to be expended in prizes and rewards.

80. And, lastly, I would propose that 500 rupees per annum be allowed to Jullundhur and Hooshiarpoor respectively, and 400 rupees to Kangra, to be laid out in the purchase of prizes and rewards to the most deserving pupils and teachers, these being chiefly in books, which the masters may be authorised and encouraged to dispose of for their own benefit, as suggested by Captain Oldfield. Such an allowance for rewards has been generally granted in the North Western Provinces; and it appears to me to be on every account expedient that a like system be introduced here, as having the very best effect towards stimulating exertion.

Concluding with a general summary of the entire outlay proposed, amounting to 20,000 rupees per annum.

81. The following, then, exhibits in a tabular form the sums solicited, amounting in the aggregate to 20,000 rupees per annum:

DISTRICT.	Salaries of Teachers and Inspectors.		Contingencies and Bursaries.		Rewards and Prizes per Annum.	TOTAL per Annum.
	Per Mensem.	Per Annum.	Per Mensem.	Per Annum.		
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jullundhur - -	500	6,000	75	900	500	7,400
Hooshiarpoor - -	500	6,000	75	900	500	7,400
Kangra - - -	350	4,200	50	600	400	5,200
Mensem - - -	1,350	- -	200	- -	- -	} 20,000
TOTAL - - -	- -	- -	- -	- -	- -	
Annum - - -	- -	16,200	- -	2,400	1,400	

Of which the sums noted in the margin* are at present paid from the Nuzzool funds. Should rent-free grants be allowed, there would be a deduction from the foregoing. But whether they be so or not, the Appendix, No. 2, above referred to will proximately show to what extent future lapses of grants, heretofore held for purposes of an educational or cognate character, may be expected hereafter to contribute towards meeting the proposed outlay.

82. The mode of applying the above sums, and the constitution and arrangement of the schools to be maintained, have next to be considered; and the latter may perhaps be conveniently divided into four classes: 1. Village schools; 2. Town schools; 3. Tuhseel schools; 4. Station schools. The two former being of a more indigenous character, and left more to themselves than the two latter, which would be essentially Government institutions, and all being subordinate to one or more central colleges, placed in such localities as may be determined on.

Next passes in review the various classes of schools which it is recommended be established, viz.—

83. The experiment of supervising and promoting education in villages and towns has already been so admirably tried in the North Western Provinces, and the advancing experience of each year has been there so steadily maturing and perfecting the details of the scheme, that we have but to follow, in the main, the excellent example there set us; and where schools have been already established in such localities, all that would be required would be to select, through the inspectors, such as might desire Government assistance and afford promise of improvement, agreeing at the same time to place themselves under general supervision, and to employ the books issued under the authority of Government.

1. Schools in villages.
2. Schools in towns.

84. The amount of pecuniary aid to be given to each must be determined by the number of such schools actually existing or progressively created as compared with the funds available. But from 10 to 25 rupees per annum would probably suffice for village schools, and from 50 to 100 rupees for those in towns, saving when of unusual extent, and hence deemed deserving of a larger grant as a special case. The amount I would recommend should be given either in the form of a grant of land or through the Lumburdars, the founders of the school, or the most influential inhabitants, in a half-yearly or yearly payment, with reference to the size of school and amount of grant.

With the nature and amount of pecuniary aid to be afforded them.

85. In the village schools our efforts should be confined, I think, entirely to promoting the teaching of Hindee in the Nagree character, and accounts. In schools in the towns, Oordoo might be added. Where the teachers were competent, to teach Persian, and even Sanskrit, no objection need, I think, be made; but the vernaculars should be regarded as the "*sine quâ non*;" every endeavour, however, being made to refrain from such amount of interference as would be distasteful or discouraging, as urged by me in the extract given in Appendix, No. 1.

86. In the tuhseel schools the masters, who should, I think, in every case comprise teachers of both the current vernaculars, would be *bonâ fide* Government nominees, and their monthly pay should not, I think, be less than from 8 to 15 rupees, increased by such fees or contributions as the parents or people might be disposed to give. Here, in like manner, the vernaculars should be regarded as the first and most indispensable requisite, to which Persian should be added when the Oordoo student had become a proficient in his vernacular, but

3. In tuhseels.

										Rs.
* For Jullundhur -	-	-	-	-	-	-	-	-	-	50
For Hooshiarpoor	-	-	-	-	-	-	-	-	-	49
TOTAL per Mensem										99
Or, per Annum										Rs. 1,188

but not until then. The masters, if competent, might be allowed to teach even Arabic and Sanskrit to a few of their more accomplished scholars, as they would no doubt desire to do, though these should, I think, form no part of the course subjected to our supervision, for which our machinery would be inadequate.

4. In our civil stations.

87. The station schools should be similar in kind, though superior in degree, to those of the *tuhseels*; the masters receiving from 15 to 30 or 40 rupees per mensem, with assistants, where the number of pupils should be such as to require it; and a monthly sum should be allowed, of from 10 to 20 rupees, according to circumstances, and the amount of funds available, for menial establishments and contingencies. In these, as in other schools, the two current vernaculars should be made the foundation of all; that is, *Oordoo* in the Persian character, and *Hindee* in the *Deva Nagree* (for any attempt here to perpetuate the *Goormookhee*, would, I think, be superfluous); and nobody should be allowed to commence Persian until he had gone through the entire course in *Oordoo*.

88. In these schools, likewise, I would allow of instruction being given in Sanskrit and Arabic to a few scholars, who might wish it, in the event of the masters being competent; but these could not be made a part of the regular course. In like manner, if one or both of the teachers should chance to have learned English, and be competent to some extent to teach it, its introduction need not be objected to, if desired by any of the scholars. But if English tuition were laid down as one of the fixed departments of the schools, this would have the effect of raising the standard of outlay required to an extent which must prejudicially detract from other more important matters; while the result would, I believe, be ordinarily far from satisfactory.

Which, as giving a tone to the entire educational establishments of the district to which they belong, should have much care bestowed on them in the selection of teachers, and otherwise.

89. Much pains should be taken in the selection of the teachers for these schools, as it is to be expected that the character of these will exercise a material influence upon that of all the inferior schools of the district as soon as our educational system shall have been completely organized, and in full operation. In the present state of education in the Punjab, it is to be feared that but few will be found on the spot who are qualified to fill the appointments, or whom it will be desirable to nominate to them; but where such exist, it will I think be expedient to appoint them, in preference to persons from a distance, even though their acquirements should not equal those of the latter. After the lapse of a few years, it may be hoped that our own local institutions will supply all our wants in this respect; but for some time to come, it is undoubtedly to the superior schools and colleges of the North West that we must chiefly look.

And urges that where efficient missionary schools are established, and a second school is not required, Government withdraw from the field.

90. Before leaving the subject of district schools, I would offer a remark on a point, which has frequently forced itself on my observation since I joined this division, though not for the first time, viz., that where effective missionary schools have been or may be established, a Government school should not be set up to be, as it must be more or less, in antagonism with it, excepting in cases where the locality may be one of such importance as to call for the establishment of more than one school, or to admit of sufficient funds being devoted to it to render the institution one of a superior order.

91. Under ordinary circumstances it is, I think, vain to expect that the Government school can compete in efficiency with the mission school, or that its teachers will show that devotedness to their task which usually characterises the teacher who acts under the eye and influence of the missionary; while the establishment of the former tends more or less to embarrass the latter; and for these reasons, not to advert to others of a yet graver character, I would urge that, with the reservation I have indicated, Government in such cases withdraw from the field, leaving it to be occupied by those who have benevolently entered on the task of maintaining a school, and are best fitted for its fulfilment, and at all

all events, whether it do so or not, that it make a half-yearly or yearly grant to the missionary school, where its superintendents may wish to receive it, and it really imparts a good secular education to enable them to increase its efficiency.

And afford pecuniary aid by a yearly grant to the school so established.

92. This course has already been followed by Government in respect to Jainarain's College at Benares, an institution established by a Hindoo, and made over by him to the Church Missionary Society, with all its endowments; and I believe that in another Presidency the principle has been admitted that it is just and right for Government to afford encouragement to secular education, wherever of an effective character, though combined with religious instruction. I would by no means advocate that Government should depart from its strictly secular character, but where really sound instruction in secular matters is imparted, I would encourage it; and it is time, I think, that we should show that the Christian religion will not be discountenanced by us, though abstaining from all attempts as a Government to interfere with the religious persuasion of any.

93. At Jullundhur, as I have already mentioned, a most efficient school has been established by the American Presbyterian Mission, in which not only the vernaculars but English is taught, and with which the Government school can bear no comparison. The inhabitants speak with enthusiasm of the attention and care shown by its excellent superintendent; and although some conversions have taken place, which for a time impaired its progress, the number of its scholars is steadily on the increase, while want of funds alone, I believe, prevents its efficiency from being still further extended. At Kangra, in like manner, a school either has been or is about to be set on foot, as a part of the mission recently established there, and accordingly to both of these I would recommend that yearly grants be made of 500 rupees to the former, and 250 rupees to the latter. At Jullundhur it may be expedient, on general grounds, to establish a Government school likewise, in which case the proposed grant should be reduced. But for the Kangra district any central school established should now, I think, be at Dhurmsalah, so that the mission school at Kangra would be the only school at that place of a class superior to the tihseel one.

Recommending that 500 rupees be thus granted at Jullundhur, and 200 rupees at Kangra.

94. In addition to the several classes of district schools above described, it will be indispensable that one or more central colleges be established; and although this is not directly a divisional question, yet I think it necessary to refer to it here, as it is to such a college that we must look, not only for our future teachers, but as a means of enabling the more promising youths from each district to attain to the higher branches of knowledge, and as giving a most important stimulus and direction to education in all its stages.

In addition to these district schools, urges the creation of a college.

95. In this college, English and the learned languages of the East should, in my opinion, be taught, under the guidance of European professors; and it is to this institution more particularly that the remarks offered above (paras. 56 to 65) on the use of the learned languages of the East, are intended to apply, though the efforts resulting would be more or less felt by all. I have there said enough in respect to the Sanskrit, in which we must look for guidance and direction to Benares; and I may here observe, in respect to Arabic, that to render it of real utility, we must look for teachers of some enlightenment, whom it is to be hoped the colleges of Agra and Delhie may supply, and with it, the study of the cognate Hebrew would, I believe, be found a very valuable and important auxiliary.

96. With some, it may be a question whether the site of the first of these colleges should be at Umritsur or at Lahore. My own impressions, however, are beyond all question in favour of the latter. There will, I fear, be so much difficulty, in the first instance, in organizing in this quarter a really effective institution of the kind, that I do not think that more than one should be attempted at the outset. But as education extends and begins to bear fruit, others will probably be found desirable or necessary.

To be established preferentially at Lahore.

And the institution of a complete system of scholarships to bind all these together, and extend the benefits of the higher to the lower.

97. To bind all these educational institutions together, to create a stimulus to exertion in all, to infuse some portion of the spirit of the highest into those below it in the scale, and to extend to the latter a participation in the advantages of the former, I would propose that a complete system of scholarships or bursaries be established, to be contended for as prizes, so as to admit of the most promising scholars of each class of schools being transferred to, and supported at the higher, if the parents should desire, and can so arrange it. For pupils selected from village and town schools for transfer to those at the tulseels, a monthly grant of from one to two rupees to each would probably suffice; for those transferred from the latter to the station schools, from two to five rupees; and from the latter to the college, from 5 to 15 rupees. I think it hardly possible to over-estimate the importance of such an arrangement, and as its advantages appear to me to be patent, I do not think it necessary to enlarge upon them.

But is opposed to the establishment of Government boarding-houses, which some have advocated.

98. It has, I believe, been of late in contemplation in the North Western Provinces to establish boarding-houses, under direct superintendence, for the reception of scholars thus transferred; but I cannot myself join in the recommendation of such a measure. While our schools are but day schools, Government can with propriety, in the opinion of those who advocate a system of Government schools, leave the religious culture of its pupils to be regulated by their parents or guardians; but if it should take under its superintendence the entire charge of the youths, the case would be very materially altered, and the most serious responsibility must then devolve upon it.

Proceeds to urge the appointment of a Visitor-general.

99. After the establishment of schools and colleges, the next most important point to be considered is the mode in which their general supervision shall be provided for; and as being at the foundation of the whole, I trust that a Visitor-general may be allowed for the Punjab, as for the North Western Provinces. Without the creation of this office I shall despair of seeing a thoroughly effective, uniform, and combined system established; and whether the individual selected be covenanted or uncovenanted, he should be one who has evinced an interest in the cause of education, and combines vigour and energy, and a position in society, with some knowledge of the Oriental languages, and a mind of some accomplishment. The experiment has already been so well tested in the North Western Provinces, that as respects salary and rules for guidance, we have but to follow the example which has there been set.

And pergunnah and tulseel school visitors, as in the North Western Provinces.

100. In like manner, as respects the entire system of pergunnah and district inspectors, and the rules issued for their guidance, we cannot, I believe, do better than avail ourselves of the experience which has there been gained, and in a great measure perfected. The reports of Mr. Reid do not appear to state the salaries given to these; but I would recommend that the pergunnah visitors, whose circuits should correspond with the limits of tulseels, receive from 15 to 25 rupees per mensem, according to their standing or merits, and the district visitors from 30 to 50 rupees.

To which the addition of a divisional visitor is recommended.

101. To these I would add a divisional visitor, in each commissionership, on a salary of 100 rupees, to be paid proportionally from the funds of the several districts; and all of these, as the foregoing, should, in my opinion, be natives. Although receiving their orders generally from the Visitor-general, they would all necessarily be subordinate to the local authorities, and consult with them in all matters, as these last would likewise be required to do with the Visitor-general in regard to every thing connected with schools, the disbursing of the funds of which would, however, rest with them, as well as the carrying out of all general arrangements determined upon in communication with that officer.

Offers a few remarks on the books to be used.

102. As regards the books to be taught, the Agra Government presses are yearly producing fresh stores of school books in Oordoo and Hindee of the most appropriate and useful description, so that it may be expected that ere long we shall have little or nothing left to desire in this department; while the Persian and Oordoo classics ordinarily in use will be available for the superior students of

of the latter language. For Sanskrit, the progress which is being made by Dr. Balantyne at Benares, in creating a really suitable series of instruction books, is partly indicated in the extracts given from his Report, dated 31st July 1851, which are annexed as an Appendix (No. 3); and for the Arabic, Dr. Sprenger will doubtless be able to indicate the works which would be most appropriate.

103. In the foregoing paragraphs, commencing from 91, I have given an outline generally of the arrangements which I would recommend for adoption. Many of them must necessarily be but gradually introduced, even when sanctioned, as the requisite means and appliances will not be at once obtainable, and their completion ought not to be hurried, while a good deal of discretion should, I think, be allowed in each district to modify these according to circumstances. Hence I have not thought it necessary to enter into any minute details, which would, indeed, have swelled to a most inconvenient extent a report which has already become tedious.

104. In conclusion, I would observe, that as I have above urged (paras. 50 to 52) that the education of the mass should be our first and chief care, I would yet further urge that to these, the most generally valuable of all education, as being the one which most widely begets habits of manly and independent thought, is that which teaches them to reflect upon their own social polity, and to take an interest and a part in all that concerns the good administration of their homesteads, their villages, and their pergunnaahs. For this purpose I have long been of opinion that the establishment of a local official Gazette, on a footing calculated to be both instructive and popular, would have an immense effect in carrying forward the native mind, and enabling it to appreciate the aims of our Government and its officers. But as the subject is one which may best be discussed apart, I have put into the form of an Appendix, which I have marked No. 4, and annexed to this, what I would wish to say in regard to it.

And in conclusion, urges the establishment of a local official Gazette.

I have, &c.,

(signed) *D. F. Macleod,*

Commissioner and Superintendent,
Trans-Sutlej States.

Commissioner's Office,
Trans-Sutlej States, Camp Dasoha,
17 December 1853.

(True copy.)

(signed) W. J. Raynor, Superintendent.

APPENDIX, No. 1.

EXTRACT from REPORT written on the subject of Village Schools in the District of
Benares, in 1849.

THE amount of remuneration received by the teachers is exceedingly small, averaging much below five rupees per mensem; and I do not believe that with all perquisites and payments of every sort the generality of Hindee teachers received so much as 60 rupees a year. The status of the village teacher is therefore a very humble one, though regarded with kindness and some degree of respect. He is not, unless he be a Brahmin or village astrologer, so important a person as the putwarri, whose receipts are for the most part considerably large, and his functions of much more apparent and immediate importance to the body of the people, and his office consequently much more eagerly sought after. It will be found, however, in the interior, that the greater portion of these teachers are from the same class as the putwarries, and related to them, and, as before observed, in not a few cases the putwarries themselves give instruction in their leisure hours.

The aim and object of Government in regard to these institutions are doubtless twofold; first, the increase of their number by direct effort; as well as by stimulating the energies of the people themselves towards their more effective maintenance; and secondly, to raise the character of the instruction afforded in them, or, at all events, in some of them. These objects, though separately stated, must, no doubt, in practice be treated in a great measure as bearing on each other; and however simple they may appear, it will be found that they require much delicacy and tact in their prosecution to avoid altogether changing the relation which these institutions at present hold to the community, a danger which it appears to me should be most carefully watched and guarded against.

I have observed a great tendency on the part of the people, where monthly payments have been made or promised by Government or its functionaries to teachers whom they have heretofore paid themselves, to regard the school as converted into a Government one, and to discontinue their own payments, ceasing also, perhaps, at the same time to feel in it the same kindly interest which they did when managed and supported entirely by themselves; and this may be more or less the case even where they have themselves solicited, and from without, and rejoiced when it has been given—so strong is at present the disposition of the people to fall back upon Government support in all things, with the view to relieving or excusing themselves. Tact and judgment will no doubt enable us to avoid this, but it is nevertheless desirable that the danger be pointed out.

The mode, however, in which it may most effectively be obviated is unquestionably, and I think manifestly, to do all that we may do through them, especially their heads, and to do all in our power to make these feel a pride and a pleasure in advancing such undertakings. In this view of the case, I was early impressed with the belief, that whatever aid Government might give in a direct form, should either be given in the form of a plot of rent-free land, where the zemindar might consent to this (a mode of remunerating village teachers hallowed in the minds of the people by the usages of ages), or be dispensed through the instrumentality of the head of the village, or the principal resident cultivator.

A piece of rent-free land valued at 10 rupees per annum would without doubt give the office of village teacher such a degree of importance and stability as it does not now possess, and so far from being regarded as an interference by the people of the village, would be looked upon as rendering him more completely their own, and this in a manner peculiarly congenial, as being familiar and traditionary with them. Though a remission to this extent must in this case be made to the zemindar, yet if the amount were repaid from the Educational Department, no change in the rent-roll need be involved. If five such grants were made in each pergunnah of Benares, the monthly charge would be 75 rupees, which is not, I believe, more than the sum by which the monthly outlay which Government was at first prepared to grant exceeds that which has been actually incurred; while I am very strongly impressed with the conviction that in no other mode could the same amount be so effectually employed.

Next, as to our employing the heads of the villages as our instruments. I believe it to be almost impossible to over-estimate the importance of the aid which these can render for such purposes where the old zemindars remain in possession, or the village is owned by some one who makes common cause with the inhabitants, and to such villages alone would I at present restrict our efforts to interest these in the measure. I would propose early to send to them, for delivery to the teacher, in the presence of the inhabitants, a small article of dress or other present, valued at about five rupees or less, addressing him for this purpose by *perwanah*; and when no rent-free grant had been made to the teacher, I would send at the same time, and through the same channel, a yearly present in cash of the same amount as it has been proposed to give in land.

Besides this, in all cases where the zemindar had exerted himself commendably in the matter, I would summon him to the sudder station at the Dusserah, and present him with a turban or *siropa*, as a token of approval, along with the above *perwanah* and present for the teacher; and as several might be summoned about the same time, the ceremony should be made as interesting and effective as possible. Even now, if the inspector of schools can point out any zemindars as having particularly exerted themselves in this matter, I believe that,

that, if the Government functionaries would adopt this mode of signifying to them their cognizance and approval, it would be exceedingly gratifying to them, and would prove productive of the best effects.

(True extract.)

(signed) *D. F. McLeod,*
Commissioner and Superintendent,
Trans-Sutlej States.

APPENDIX, No. 2.

THE following is an abstract of the small rent-free holdings which have been released in the Jullundhur and Hooshiarpoor districts, either permanently during the continuance of the object for which they are intended, or (in the ratio of about four to one) for the life of the present incumbent, as taken from the Settlement Officer's returns :

NAME of DISTRICT.	NAME of PURGUNNAH.	OBJECT OF GRANT.														
		For Support of Public Buildings, Institutions, or Charities.		For Support of Parohits, Padhas, or Teachers.		For Support of Schoolmasters.		For Military Service, &c.		For Chowdries, Punches, &c.		As Personal Charity.		Miscellaneous.		
		Number of Cases.	Quantity of Land in Acres.	Number of Cases.	Quantity of Land in Acres.	Number of Cases.	Quantity of Land in Acres.	Number of Cases.	Quantity of Land in Acres.	Number of Cases.	Quantity of Land in Acres.	Number of Cases.	Quantity of Land in Acres.	Number of Cases.	Quantity of Land in Acres.	
Jullundhur -	Phillor -	27	283	-	-	-	-	1	4	-	-	-	-	299	2,064	
	Jullundhur -	107	1,382	18	281	-	-	1	3	3	20	-	-	355	3,907	
	Rahon -	53	366	3	2	-	-	-	-	-	-	-	-	414	3,423	
	Nakodar -	39	445	-	-	-	-	-	-	-	-	-	-	108	2,006	
	TOTAL -	226	2,416	21	283	-	-	2	7	3	20	-	-	1,176	11,310	
Hooshiarpoor -	Garhshankur -	111	474	189	104	9	19	10	444	3	34	303	2,094	119	169	
	Hooshiarpoor -	159	928	148	152	4	31	39	494	92	382	670	3,371	373	410	
	Hurrianah -	113	433	65	81	18	22	61	517	25	355	605	2,454	84	62	
	Una, -	145	1,172	28	57	8	54	51	552	14	112	413	1,889	16	44	
	Mukerian -	78	772	2	11	-	-	-	-	-	-	-	-	603	6,161	
TOTAL -		606	3,779	432	405	39	126	161	2,007	134	833	1,991	9,808	1,195	6,847	
GRAND TOTAL -		832	6,195	453	688	39	126	163	2,014	137	853	1,991	9,808	2,371	18,157	
Value of Jullundhur grants at average of Rs. 2. 2 a. per acre		Rs. 5,134	a. -	p. -	Rs. 601	a. 6	p. -	Rs. -	a. 14	p. 14	Rs. 42	a. 8	p. -	Rs. 24,033	a. 12	p. -
Ditto of Hooshiarpoor ditto, at average of Rs. 1. 12 a. per acre		Rs. 6,613	a. 4	p. -	Rs. 708	a. 12	p. -	Rs. 220	a. 8	p. -	Rs. 3,512	a. 4	p. -	Rs. 1,457	a. 12	p. -
TOTAL Proximate Value -		Rs. 11,747	a. 4	p. -	Rs. 1,310	a. 2	p. -	Rs. 220	a. 8	p. -	Rs. 3,527	a. 2	p. -	Rs. 1,500	a. 4	p. -

Of the above, the returns for the entire Jullundhur district and of Mukerian were prepared by Mr. Temple; those of the remainder of Hooshiarpoor by Mr. Melvill, who, it will be observed, has discriminated the various objects of grant in greater detail.

The number of cases in Mukerian has been supplied by the settlement returns only in the aggregate, so that the above distribution of cases for that pergunnah is but proximately accurate; and the same may be said of the valuation of all which has been deduced merely by proximate average of the grants entered in the foregoing as devoted to the support of public buildings, &c. Many contribute to the support of education, as the owners of many temples, dhurmsalahs, &c., teach pupils likewise, especially if they be Mahomedans or Brahmins, as an instance of which I may mention that one-half of the village of Bittal, yielding 250 rupees per annum or upwards, is held in Jullundhur by

the Moulavies of Mianmal, who are considered the chief authorities in that district in educational and controversial matters, and have been the instructors of a considerable portion of the rising generation of those parts.

Besides the grants entered above likewise, which have been released, there are others of a more or less analogous character which have been resumed, or have lapsed; and as an instance of these I annex to this an original petition in English given to me by Devi Chund and Benni Ram, inhabitants of Bangeh, whose father held 50 ghomaoes of land for support of a temple at that place, and who teach Sanscrit to some scholars there.

This case, and the concluding clause of the petition itself, serve to show how these grants might be turned to account. I can testify, from my personal knowledge, to the fact of the petitioners being still engaged in tuition, and very anxious to be enrolled as Government teachers, and I have thought it appropriate therefore to append their petition to this statement, together with a demi-official note regarding them from Mr. Mansel, when late a member of the Board of Administration.

(signed) *D. F. M'Leod*,
Commissioner and Superintendent.

APPENDIX, No. 3.

EXTRACT from a REPORT of *James Ballantyne*, LL.D., Principal of Benares College, dated 31st July 1851.

"To smooth the entrance to the grammar, I have prepared, with the aid of Mr. Hall, a series of first lessons in Sanscrit, on the method of Ollendorff, each sheet, as it was printed, being supplied to the classes. By such means we aim at rendering Sanscrit, with all its fine capabilities, as a disciplinal study--no longer a thing here attainable only at the expense of a lifetime; and it is thus that we aim further at making the English and Sanscrit departments of the college understand each other on subjects in regard to which hitherto the students of the two departments, though speaking the same vernacular, could as little understand each other as the inhabitants of separate planets, with separate natural laws. The reader, unacquainted with the facts, may find it difficult to conceive this; I give him my word for it."

"Another standard work, the treatise on literary criticism, entitled the *Sahitya Darpana*, has been selected as a portion of the course of Sanscrit study designed for the English department. The printing of this work, with translation, as the subject seemed likely to interest European scholars, has been undertaken by the Asiatic Society, and the first fasciculus is now published, as a portion of the *Bibliotheca Indica*. I trust that in due time the whole of the course of study pursued in the Sanscrit department will become by such means opened to the pupils of the English department, and I am not without hopes that when this shall be the case, a collateral result will be the removal (from the minds of those competent to judge) of a considerable amount of misconception at present existing in regard to the nature and value of a Sanscrit education."

After enumerating the divisions under which all branches of knowledge may be classed, and their connexion and mutual bearing on one another, according to the ideas of Pundits, as developed in the Nyaya system, he proceeds to observe:—

"Assuming that this enumeration includes the topics of a complete liberal education, I am desirous that the whole digest, of which the synopsis seeks to indicate the starting points, shall be prepared in the first instance with reference, as close as may be, to one of the systems of the universe already current among and accepted by the Hindus. In explanation of this, I would beg the reader's attention to the two facts, that a mind can be taught only by means of the knowledge that is already in it, and that a piece of knowledge in any mind, more especially in a mind unfavourably prepossessed, is an obstacle to the reception of any system which, by neglecting to recognise, appears to deny the truth of that piece of knowledge. Whatever in the Hindoo systems is a portion of the adamant truth itself will only serve to baffle our efforts, if in ignorant impatience we attempt to sweep it away, along with the rubbish that has encrusted it.

"When the Hindoos have only halted at a stage short of that which we ourselves have reached, we should rejoice in being able to present to them our superior knowledge, as the legitimate development of what is true in their views, and not in the shape of a contradiction to anything that is erroneous. It is with such aims that I have made use of the Nyaya system as the framework of the following synopsis.

"Now it happens that the Nyaya philosophy, though furnishing a framework for an encyclopedic body of doctrine, has in practice confined itself very much to the topics of logic and metaphysics, to the neglect of the topics of physical science. This defect it appeared desirable to remedy in the first instance, and accordingly my second book, after a concise account of the senses, in regard to which some erroneous opinions of the Hindoos, are there corrected, proceeds to treat of matter, or that the qualities of which furnish the objects of the senses. This leads to Astronomy, Geography, &c. These sciences are here treated very briefly, because, as I intend the synopsis to be employed by the Nyaya professor, and to furnish for his pupils a comprehensive view of the relations of all the principal sciences to the philosophical system of the Nyaya, the main design would be observed if each topic were treated much more fully." "For the use of the other classes respectively, I intend that each of the sections

sections in the synopsis on Geography, Chemistry, Mechanics, &c., shall form the starting points of more expanded treatises. The completion of these would require such resources as those of the College of Translations, which Mr. B. H. Hodgson has designed, and which I shall not despair of seeing established."

(True extract.)

(signed) *D. F. McLeod,*
Commissioner and Superintendent.

APPENDIX, No. 4.

REMARKS on the Establishment of a local Official Gazette in the Vernacular in each Division, as an adjunct to village schools, and other endeavours to infuse a spirit of inquiry and intelligence amongst the mass of Population.

THOSE who have carefully studied the character and progress of British rule in India, taking their conclusions from the actual details of every-day life, the operations of our courts, and the sentiments of the people, must I think have come to the conclusion that one of the greatest difficulties, if not the greatest, with which we have had and still have to struggle in our aims after improvement, consists in the absence of anything like a wholesome and intelligent public opinion.

2. The intellectual superiority of the British, the difference of their social habits from those of the country, and the novelty in some respects of the systems introduced by them, all tend to keep the people aloof, and make them think and feel that beyond the immediate affairs of each individual household, and but partially even as respects these, they have no voice or discretion; while the finding them uncongenial, and in some respects impracticable, obliges the British officer, for the most part, to rely entirely on his thanahdars, tihseeldars, and other heads of establishments, and regard the opinions of the people as practically of little or no account.

3. Even here in the Punjab, where we have been brought into contact with a fine manly population, heretofore accustomed to manage their own village or municipal affairs, the gradual conversion of these into a race unwilling or unable to adjust amongst themselves even their social concerns, is I think becoming apparent; an increasing tendency to bring everything to the bar of our courts, and to hold aloof from all responsibility that can be avoided, begins to show itself; and the tendency appears to me to prevail to an injurious extent to leave all to the public establishments, and to look for guidance and support from those who have made themselves conversant with the practice and precincts of our mofusil and sudder kutcheries.

4. Very great difficulty is at the same time experienced in conveying to the mass any information which it may be desirable to communicate; no method of issuing proclamations hitherto adopted appears to be effective for this purpose, save in regard to matters respecting which the public generally may be already excited, and even then but partially so. There is an absence of all spirit of inquiry and intelligent apprehension of the aims of Government, which causes all such to be communicated negligently, and received with indifference; and an ignorance of rules and regulations is the excuse almost invariably pleaded on every occasion of animadversion.

5. To remove these drawbacks, to create a channel by which the Government might make known its wishes and intentions in a really intelligible form to the great body of the agricultural population and inhabitants of towns, to raise a spirit of inquiry regarding matters of detail affecting their interests, and to enable them to perceive that it is the wish of Government to learn their wants, and to consult and promote their well-being, it has long appeared to me that an official Gazette, issued at intervals in the vernacular, would, if well conducted, be a very effective instrument.

6. Such a Gazette should contain not only Government orders, and all those of the local officers having a general bearing, and all nominations and removals of village, as well as Government functionaries, of the districts to which it extended, but occasional papers communicating instruction upon subjects of interest and importance, mention of cases and decisions of a character likely to attract attention and inquiry, and commendation of individuals of the community who may have earned a title to it.

7. Something of this kind has no doubt been intended by the Hindee Gazette issued by the Government of the North Western Provinces, but it is not of a character sufficiently popular or local to penetrate the mass, or gain their attention, if we would obtain a hearing from them. We must deal with topics with which they are more or less familiar, or, at all events, which may be readily apprehended by them, and endeavour to treat them in such a mode as they are likely to appreciate.

8. As a principal object of the publication would be to disseminate the orders of Government and of the local authorities, it should, I think, be obligatory on every head of a village to receive the Gazette, and pay for it out of the allowances granted him for village expenses. If issued once a month for an entire division, and in the cheapest possible form, it should not cost more than from one to two rupees per annum, which is no more than the zemeendars of Hooshiarpour have voluntarily contributed for the support of schools, and

not more than it appears to me might fairly be required from them, with reference to the importance of the object in view. In the case of very small villages, two or more might be associated for the purpose.

9. In the accompanying report I have proposed that a native divisional inspector of schools should be appointed to each commissionership, and to him I would propose to entrust the task of editing the Gazette, for which he ought to be a person well qualified. All connected with his own immediate department, calculated as it is to have so important an influence upon the advancement of the people, he would be in the very best position for illustrating; and district officers might be required to communicate to him cases, or orders, occurrences, or intelligence of importance or of interest, which, with the approval of the commissioner, might be selected from, abstracted, or published *in extenso*, as might seem expedient.

10. In the jail at Umritsur a lithographic press has already been established by the energy of Mr. Saunders, which could readily strike off the Gazettes of all adjoining divisions as well as its own, and should the establishment of additional ones be deemed desirable, this could be readily effected, without causing any expense to Government, if the arrangement which I have proposed should be sanctioned.

11. Many persons, I am aware, consider that there is danger in exciting inquiry amongst the people; I cannot participate in this sentiment; and I cannot think it worthy of a race which, above all others on the face of the globe, prides itself, and justly, on its republican tendencies, purposely to keep a nation whom Providence has entrusted to its care in a state of perpetual pupillage; and I feel well assured, moreover, that in a well-tutored, intelligent, self-relying yeomanry, as contradistinguished from the feudal aristocracies who have heretofore ruled most parts of India, we should find the best and surest stay of our rule.

12. I look forward anxiously to the time when we shall be able to make use of these, to relieve us of much of detail which is at present thrown upon functionaries of our selection, much less competent appropriately to dispose of it; when we shall be able to supply them with a constitutional and authorised mode of making their sentiments and their wishes known; and of bringing these to bear alike upon the conduct of our functionaries whom we are at present so little able effectually to control, and upon our own jurisprudence and procedure which so often prove inappropriate, and even oppressive, when best intended.

13. The reply to any proposition having these objects in view is invariably, at present, that the people are unfitted for anything of the kind, and it appears to me that under our rule that unfitness has hitherto tended to increase rather than diminish. Unless an effort be made to qualify them, the same objection will continue to be used probably for generations to come, and it is time, I think, a beginning were made in some shape or other.

14. Education has no doubt done, and is doing, much to advance the higher orders, and since the establishment of village schools the leaven has doubtless begun to work amongst the humbler orders; but, as far as my own experience has extended, if we go into their interior economy, we shall almost everywhere find that the general sentiment amongst social circles, or in the body politic, is nearly powerless to check vice, immorality, or the breach of what amongst them is considered to be improper; almost all is regulated by the standard of our courts; and those obtain most power and influence who are adepts in their intrigues; all this being more over more and more the case the longer they have been subjected to our rule.

15. The creation of offices of superior importance and emoluments to which natives are eligible has also, no doubt, been a move in the right direction. But this is, in my view of the matter, a trimming only of the upper branches, not going to the root; such offices have but little effect upon the mass; and it may be a question whether, with many of their incumbents, the predominating feeling is so much one of satisfaction as of conviction, that under another Government they would have enjoyed yet greater power and importance; while if a thorough understanding could be mutually established between us and our agricultural, manufacturing, and mercantile population, I feel convinced these could not but feel that they were under a Government eminently congenial to them, and calculated and anxious to promote their best interests.

16. To the want of such an understanding I believe that almost all our difficulties and our defects may be traced; and how greatly the course of improvement would be facilitated and promoted, if such could be established, must, as it seems to me, be sufficiently apparent.

(signed) D. F. M'Leod,
Commissioner and Superintendent.

(True copies.)
(signed) W. J. Raynor,
Superintendent.

(True copies.)
(signed) P. Melvill,
Secretary to the Chief Commissioner.

MINUTE by the Most Noble the Governor-General, dated the 6th June 1854.

1. THE letter of the Chief Commissioner conveys his sentiments respecting the introduction of a system of vernacular education in the Punjab, which was suggested some months ago by the Government of India.

Education in the Punjab.
Chief Commissioner, 19th May 1854.

The letter and the reports by Mr. Montgomery and Mr. Macleod which it encloses, are of the deepest interest and of high value. They are most encouraging as to the probability of the success which may be anticipated for the scheme; and they give good ground for hope that it may hereafter be extended and enlarged by educational institutions of various kinds and of the highest character.

2. The Judicial Commissioner and Mr. Macleod would at once introduce vernacular education into the Punjab on substantially the same system as that which has been maintained experimentally in the North Western Provinces for some years, and which is now to be made general there. They propose to establish, in only three divisions to have four normal schools, to give the teachers rent-free lands, and to found a college at Lahore for the pursuit of the higher branches of Oriental learning and of European knowledge.

3. The Chief Commissioner, concurring in their approval of a system of vernacular education, would introduce it throughout the Punjab at once. He objects to the payment of teachers by rent-free lands, and he discountenances for the present the institution of a college at Lahore.

4. The cost of a complete system of education as proposed by the Judicial Commissioner would be about 65,000 rupees a year.

5. The Government is required to decide upon the scheme which it will adopt and recommend to the Court of Directors.

6. All are agreed that the system of vernacular education by means of tehseldaree schools, with pergunnah and district visitors, and with a Visitor-general to direct the whole, upon the plan which has been so successfully adopted in the North Western Provinces, is perfectly well adapted for the Punjab. All agree that there is in that province an eager appetite for instruction, and that the schools will not only be resorted to, but will exercise the best effect upon the character of the people. The introduction, then, of these schools as the basis of the system may be resolved upon at once.

7. I concur with the Chief Commissioner in thinking that there is no reason why the system should be limited to three districts. There is no necessity for further experimental measures; and I would propose to establish the educational system throughout the Punjab generally as immediately as the means of doing so may be obtained. The aggregate expense, as the Chief Commissioner has shown, would be little increased thereby.

8. All are united in recommending the establishment of a certain number of normal schools. This also should be adopted as a part of the original plan.

9. The appointment of a Visitor-general must be regarded as an essential part of the scheme, with respect to the class from which he is to be drawn. I would advise that no limitation in this respect should be set to the choice of the local Government. The best man that can be found likely to devote himself to the duties of the office for a long time to come should be selected by the Chief Commissioner, without any reference to the question whether he be uncovenanted or civilian, whether he wear a red coat or a brown one.

10. The institution of a college at Lahore at the present time is perhaps unnecessary. But the foundation of a college at that capital, similar to the colleges already founded at Benares, at Agra, and Delhi, should certainly form a substantial part of the educational scheme for the Punjab; and I hope that it may be postponed only for a short period.

11. I have no sufficiently intimate knowledge of the native character, and of the past operation of our system of education among the people of India, to justify my attempting to give an authoritative opinion upon, or even to enter into

the discussion of the question which Mr. Macleod has raised, as to the particular mode of instruction best calculated to make early and effectual impression on the minds of educated natives, and most likely to give their full value to collegiate institutions of a higher order; such as it has been proposed to establish hereafter at Lahore.

The subject, I believe, has already been much considered, and it will no doubt receive a further measure of attention when the time shall come for completing our educational system in the Punjab by the institution of a college in the city of Lahore.

12. Mr. Macleod has noticed another point which seems to me at this day to be one of great practical importance, and on which I entirely share his views. In paras. 90, 91, 92 of his memorandum, he urges not merely the inexpediency of establishing Government schools in competition with schools founded by missionaries of the different societies, but the strong expediency of supporting missionary schools by public money when they really impart a good secular education, and of increasing their efficiency by grants in aid.

"This course," Mr. Macleod proceeds to say, "this course has already been followed by Government in respect to Jainarain's College at Benares, an institution established by a Hindoo, and made over by him to the Church Missionary Society, with all its endowments. And I believe that in another Presidency the principle has been admitted, that it is just and right for Government to afford encouragement to secular education wherever of an effective character, though combined with religious instruction. I would by no means advocate that Government should depart from its strictly secular character; but where really sound instruction in secular matters is imparted, I would encourage it; and it is time, I think, that we should show that the Christian religion will not be discountenanced by us, though abstaining from all attempts as a Government to interfere with the religious persuasion of any."

13. During my administration here, I have carefully followed the traditional policy which has been handed down to the Government of India for its observance in all matters into which there enters a religious element. But I am of opinion, that for these days we carry the principle of neutrality too far; that, even in a political point of view, we err in ignoring so completely as we do the agency of ministers of our own true faith in extending education among the people; and that the time has now come when grants of money in aid of secular education, carried on in schools established and conducted by Christian missionaries, might be made by the Government without any risk of giving rise to those evils which a recognition of such agency has hitherto been thought likely to create, and with the certainty of producing an immense and an immediate effect in the extension of sound secular education throughout the masses of the population in India.

I sincerely trust that the Honourable Court of Directors, when they reply to the reference which must now be made to them, may see fit to recognise the principle I have now advocated, and may be pleased to authorise the Government of India to act upon it in the exercise of a sound discretion.

14. I beg to suggest that these very interesting papers relating to a subject of the deepest importance should be transmitted to the Honourable Court by the earliest opportunity.

Reserving details for future consideration, the Government should solicit the sanction of the Honourable Court to the introduction of the proposed system of vernacular education into the Punjab, including prospectively the foundation of a college at Lahore.

I conceive that it would be inexpedient to specify any particular sum as the probable cost of the schools; and that it will be better, as suggested by the Chief Commissioner, to ask permission to expend upon education in the Punjab funds not exceeding a lakh a year.

The sum may be large in itself, but it is a very trifle in relation to the object to be gained by it, and in comparison with the rich results it will one day produce.

If India were poor, and were every day becoming poorer, it would still be our duty and our interest to incur this charge. But India is rich, and is every year becoming richer, wherefore I feel confident that the Honourable Court will not
hesitate

hesitate for a moment in giving its sanction to the charge which is necessary for the establishment of an effective system of vernacular education throughout the Punjab.

6 June 1854.

(signed) *Dalhousie*.

MINUTE by the Honourable *J. Dorin*; dated 13 June 1854.

I WILL merely say, generally, that I think the Honourable Court should be urged most strongly to sanction the introduction of a system of vernacular education in the Punjab, at a cost not exceeding at present one lac of rupees a year.

(signed) *J. Dorin*.

MINUTE by Major-General the Honourable *J. Low*; dated 14 June 1854.

THE foregoing remark by the Honourable Mr. Dorin contains precisely the suggestion that I wish to make on this occasion.

(signed) *J. Low*.

MINUTE by the Honourable *J. P. Grant*; dated 12 October 1854.

IT will not be supposed, I hope, that I have delayed this question because of any difficulty I felt in joining in the recommendation to the Honourable Court of the grant of a lac of rupees a year for the establishment of vernacular education in the Punjab. That recommendation has my most cordial concurrence. Education in the Punjab.

I agree also in recognising the wisdom of the officers in the Punjab, whose reports are before us, in proposing to adopt, *simpliciter*, the system of vernacular education introduced by Mr. Thomason into the North Western Provinces. That system was well considered, and carefully adapted to actual circumstances; accordingly, it has been perfectly successful. It does not pretend to do anywhere what cannot be done everywhere. It does not undertake to establish a Government school in every village, but it provides for the progressive improvement of all the existing village schools; whilst it affords to every pergunnah a school much superior to all previously existing schools, and capable of improvement indefinitely; a great good in itself, and infinitely valuable as a field of experiment, and a local model. The system, like every other good system, is capable of improvement as the result of experience; but in the commencement, I am convinced that any deviation from this type, whether in Bengal or in the Punjab, will be a step towards failure.

Turning from purely vernacular education—the only education which in any reasonable view immediately affects the mass of the people—to English education (or rather English and vernacular education), I agree in thinking that the establishment of a college at Lahore must be postponed for the present, though it should be had in view from the first as an essential part of the ultimate scheme of education in the Punjab. I am of opinion, however, that an English school might very properly be founded at Lahore forthwith, commencing upon the model of a Bengal zillah school, to be gradually enlarged and raised to a higher standard hereafter.

I agree also in thinking that we ought not to select for the positions of our English schools places which are already provided from private funds with adequate and proper schools, of which all classes are ready to avail themselves. The following are the circumstances which have caused me to keep the present papers before me so long.

My difficulty arose from that part of the minute of the Most Noble the Governor-General, in which it is proposed, as suggested by Mr. Macleod, to support missionary schools by public money where they impart a good secular education, and to increase the efficiency of such schools by grants in aid. The Governor-General admits that this proposal is in violation of the traditional policy handed down to the Government of India for its observance in all matters into which there enters a religious element. Now, the originators of this traditional policy were the founders of no less a work than the British

empire in India ; and of all the parts of the work they founded, that in which their success has been most striking is that in which the religious element is concerned. This proposal was also in violation of an unbroken chain of express orders issued by a long succession of Home Governments. Apart from such considerations, the question in itself appeared, as it still appears, to me momentous ; and feeling upon it as strongly as I did, I thought that I ought not, when it was thus opened by the Governor-General, to abstain from recording my opinion upon it, after as careful and impartial a review of it as I could give to such a question ; although I was aware that, being so unfortunate as to differ from his Lordship's opinion upon it, I should not be able to put my views upon paper in a manner becoming the occasion, without occupying much time that I should find it difficult to afford from other pressing business.

The subject was one on which I have reflected and observed much ever since I have been in India ; and it was one on which I had already been called upon to give an official opinion before I saw the present papers. Before this grave question was raised in the Government of India by the Governor-General's Minute, the same measure had been proposed, in connexion with vernacular education in Bengal, in the Council of Education by Mr. Halliday, who, before his elevation to the office of Lieutenant-Governor, was a member of that body, to which also I belong. I had then expressed an opinion strongly against the proposal ; and subsequently, I have placed that opinion, in writing, upon the records of the Council of Education, but in such a form as gave me no help in the task I then thought myself bound to undertake in this place. For several weeks after these papers reached me, I was much engaged in very heavy business connected with the lately opened legislative council. Then it was reported that this measure of grants in aid, to which I was so strongly opposed, had been definitively adopted by the Home Government ; and two months or more ago this report was confirmed by the appearance in the *Friend of India Newspaper* of what was announced to be (as it has since been found really to have been) a full and precise abstract of a despatch then on its way out. If the question had been really decided at home, it was plainly needless to spend time upon an argument about it here ; and although I could not put forward a paragraph in the *Friend of India Newspaper* as a justification for abandoning my task, the statement therein made seemed sufficiently probable to afford a fair reason for postponing the question for a few weeks. The Education Despatch alluded to has now arrived in the shape in which it was foretold ; and the question of grants in aid is now a question determined by the highest authority.

This determination, which it will be now the duty of every one concerned to carry fairly into execution to the best of his ability, whatever his own opinion may be upon the subject, makes, as I have said, any regular argument on the general question no longer fitting. It must, I assume, be now accepted as a settled point, that grants of money payable out of the proceeds of the taxes in India in aid of schools, affording (amongst other things) secular education, but forming part of religious missions, is not a departure from that system of religious neutrality which it is still maintained must continue to be one of our principles of government in India.

Taking the principle of making grants in aid to institutions of all sorts affording secular education as determined, it still remains to be determined how the principle is to be carried into execution.

I believe that it will be found a matter of infinite difficulty for the Indian Governments so to distribute and regulate grants in aid to mission schools as not to offend, even in appearance (and here the appearance of the thing is of the essence of the political question), against the still recognised principle of religious neutrality ; for one of the acknowledged objects, and the greatest object, of mission schools is proselytism. If private persons spend their own money in endeavouring by legitimate means to convert people of other religious persuasions to their own religious persuasions, the people of India are not so intolerant as to question the right of such persons so to spend their money, or so bigoted as to take offence at their doing so. In this way, quietly, safely, and surely, much good has been done, and much good is now doing, by private benevolence. And in this way, if no error of policy be committed which shall change the course of native feeling on the subject, there seems to me reason to expect that, under Providence, the good that may eventually be done quietly, safely,

safely, and surely, will be infinite. But the case would be different if the public taxes which are paid by, and are held in trust for the use of the people of India, were, or were believed by the people of India to be, appropriated in aid of such endeavours at conversion. We have only to imagine the same policy adopted at home, to become sensible of what the feelings of Mahomedans and Hindoos under such policy would be in India. How, for example, would the Scotch feel, and how would they be likely to act, if Scotch taxes were spent upon propaganda missions in Scotland? I am firmly persuaded that unless in practice it be so contrived that all breach, and all appearance of breach, of religious neutrality can be avoided, a blow will be struck at our power in India, which in the course of time may prove fatal.

I am myself satisfied that any given sum of public money expended by Government immediately in its own educational establishments under its own direction, may be made to yield better fruit in the way of secular education than the same money expended through any private society; and I think that this is sufficiently proved by the acknowledged fact that the Government colleges, imperfect as they still are, give by far the highest education obtainable in India; but however that may be, it will be a necessary, though a very difficult duty, in distributing grants-in-aid, to make sure that they shall be spent as fruitfully as the same money would be spent if given to a Government institution in the actual state of things.

I fear that it will not be possible, by any precaution that can be taken, practically and permanently to prevent whatever sums of public money are given to irresponsible private institutions, in order to increase their power of giving secular education, from being in reality the cause of diverting to other objects at least an equivalent sum that otherwise would have been devoted to this object by private benevolence. Nor do I see how it will be possible, even with the best intentions, and the most indefatigable endeavours, so to regulate our grants and our refusals of aid as to escape charges of favouritism, which, however unjust, will be very generally credited, or to avoid giving deep offence, at one time or another, to all parties. But regarding these disadvantages as inherent in the system, and therefore unavoidable by any rules of detail, I abstain from remarking upon them.

So many dangers and evils seem to threaten us, on our abandonment of the known and plain course of absolute disconnection with all proselytising institutions, that I trust that those even who think that such abandonment is proper, will admit that we must walk with infinite caution in the untried and difficult path we are about to enter.

(signed) *J. P. Grant.*

12 October 1854.

MINUTE by the Most Noble the Governor-General; dated the
30th December 1854.

Home Cons. 26th
January 1855.
No. 149.

I HAVE now the honour of submitting, for the consideration of the Council, the measures which seem best calculated to give effect to the views of the Honourable Court regarding education in India, which were conveyed to us in their despatch of July last.

Education in India.

2. The despatch itself contains so complete an exposition of the wishes and intentions of the Honourable Court, it lays down so clearly the principles by which the Government of India is henceforth to be guided in regard to education, and it indicates so plainly the general form of the system by which the instruction of the natives of this country is to be carried on, that it is quite unnecessary for me to enter upon any general remarks on the great subject of education in these eastern lands. I shall confine myself entirely to the consideration of the practical measures which should now be taken in execution of the instructions of the Honourable Court.

3. In the determination of these measures I have sought the assistance of those who, eminent in their public position and specially experienced in educational matters, were best qualified to advise and guide me. The Honourable the Lieutenant-governor of Bengal, my honourable colleague,

Mr. Grant, and Sir J. Colvile, the President of the Council of Education, have been so good as to lend me their aid. Some time since they drew up a paper containing their sentiments as to the best mode of carrying into effect the Honourable Court's directions for the extension of education in various parts of India. I have again to express the ever-recurring regret, that of late the constant and unusual pressure of current business, which would not bear postponement, has rendered it impossible for me to dispose of the large general question of education, so soon as it was my anxious wish to do.

4. I shall best acknowledge the valuable aid which I have received from my honourable friends by giving their proposals and suggestions in their own words, adding under each head the few observations which, after full consideration, I feel it necessary to offer.

"The Education Despatch of the 19th of last July divides its subject generally under three principal heads, and it may be most convenient to follow that distribution. These heads are—

" 1. Machinery for managing the Department.

" 2. Establishment of Universities.

" 3. Grants-in-aid.

" With regard to the first of these, it will be observed that the despatch treats the organisation of the new machinery as a matter which should be immediately dealt with, and independently of the other subjects. To save time the Court have actually authorised the Governments of Madras and Bombay to make provisional arrangements, which those Governments are to report to the Government of India for approval and sanction; and the despatch leaves it to the Governor-General in Council to take similar measures for Bengal and Agra, and for the non-regulation provinces.*

* Para. 20.

" Apparently then the first practical step to be taken with regard to this despatch is to give authority to the Governments of Bengal and the North Western Provinces to appoint severally an officer to superintend the department of education, and a sufficient staff of inspectors and clerks.

" Of the superintending officers it is observed in the despatch, that it may, perhaps, be advisable that they, as well as some of the inspectors, should, in the first instance, be members of the civil service, though not to be considered as necessarily so to the exclusion of more fit persons, European or native. It is also suggested that their remuneration should be such as publicly to recognise the importance of their duties.†

† Para. 21.

" The salaries of these officers, and the number of them to be employed, having been left by the Court to the present discretion of the Governments of Madras and Bombay, a like discretion might be given to the other Governments. But it may be expedient to define the limits within which the discretion is to be exercised. Perhaps the Governments of Bengal and the North Western Provinces might be instructed to appoint respectively a head of the department, on a salary not exceeding 3,000 rupees a month, according to the standing of the officer selected; and it might be well to allow of a gradual increase to the salary of the officer appointed, if it be fixed, in the first instance, at a less sum than 3,000 rupees a month, until it reach that limit, so as to retain, if desirable, the services of a competent officer for a considerable time. Perhaps, also, a limit of four inspectors might be laid down for Bengal and its non-regulation provinces, on salaries varying from 500 rupees to 1,500 rupees a month, and of two such inspectors for the North Western Provinces, on salaries of 800 to 1,200 rupees a month. The necessary establishment of clerks and other officers must, in the first instance, be left to the determination of the local Governments.

" It is only necessary to add on this head, that upon the vigilance and efficiency of the inspectors will depend, in a great measure, not only the well doing of the Government schools,‡ but also of the colleges and schools to be affiliated to the universities,§ and the success or failure of the system of grants-in-aid.||

‡ Paras. 18, 19.

§ Para. 38.

|| Paras. 53, 56, 60, 61.

5. In these recommendations regarding the machinery for managing the educational department I fully concur.

6. I think that in each Governorship and Lieutenant-governorship an officer should be appointed who should be termed the director of public instruction, whose

whose duty it should be to superintend the department of education; and whose office should be placed upon the footing, and should be endowed with the salary proposed in the preceding paras. In like manner, the number and the salaries of the inspectors suggested seem appropriate and sufficient for Bengal and the North Western Provinces.

7. It will obviously be necessary to appoint a separate officer for the superintendence of education throughout the Punjab, in accordance with the recorded recommendation of the Chief Commissioner. Inspectors should also be appointed in that province, the number required having first been ascertained from the local Government.

8. The other non-regulation provinces under the direct administration of the Government of India, namely, Mysore, Pegu, Nagpore, and the assigned districts of Hyderabad, are generally such recent acquisitions, that the administration has hardly as yet been sufficiently organised to admit of an educational department being created within them. The Commissioners of Pegu and Nagpore, and the Resident at Hyderabad should, however, be immediately consulted as to the steps which they would recommend the Government to take respecting education within their several jurisdictions.

9. Mysore would probably be most conveniently managed in educational matters as a part of the system which may be established at Madras; the functionary, by whom the system shall be executed in Mysore, corresponding direct with the Supreme Government. Upon this point the Commissioner of Mysore should be consulted.

10. The Government of the Straits Settlements will also require that some provision should be made for it. Those settlements are so inconsiderable in territorial extent, that it is doubtful to my mind whether a separate officer, solely for the superintendence of education, can be required within them. A reference should at once be made to the Straits Government upon this head.

11. It remains for me to advert to the two minor Presidencies.

12. The Government of Bombay has not, as yet, submitted any scheme. I conceive, however, that the measure proposed for Bengal and for the North Western Provinces, would be perfectly applicable to Bombay. That Government should, therefore, be addressed, and should be authorised to organise its arrangements, and to make the necessary appointments.

13. The Government of Madras has submitted a scheme of its own. It proposes, "not as the permanent establishment," but only as the agency, which will be "necessary for initiating their proceedings," the appointment of a Secretary to Government in the Educational Department on a salary of 3,333 rupees per mensem; of an Under Secretary for the same department on 1,350 rupees per mensem; of six inspectors, on 1,200 rupees per mensem each, and other minor officers. The Government of Madras supports these large proposals by a reference to the words of the Honourable Court, that, "in any case, the scale of their remuneration shall be so fixed as publicly to recognise the important duties they will have to perform." Fully bearing in mind these sentiments of the Honourable Court, and entirely assenting to the principle they involve, I yet think that the establishment proposed is both unduly extensive and unnecessarily costly. I think that the creation of a Secretary to the Government in the Educational Department is uncalled for and inexpedient, and that in Madras, as elsewhere, the department will be managed with thorough efficiency by a Director of Public Instruction, as suggested in the 6th para. of this Minute; and further, that the salary proposed is sufficient to command the services of the men best qualified for the duty.

Having regard, also, to the limited number of educational establishments in the Presidency of Madras, the number of inspectors proposed seems large. Whatever number of inspectors may be sanctioned, their salaries, I think, should vary from 800 to 1,200 rupees, as proposed for the North Western Provinces.

"The next practical step to be taken, in the order observed in the despatch, relates to the establishment of universities.

“ Here, however, occurs something like an ambiguity in the despatch which may require to be cleared up.”

“ The general impression which the whole tenor of the despatch is calculated to leave on the mind on a first perusal is, that it is intended to convey to the Government instructions upon particular and general measures and principles which the Government is, without further reference home, empowered and expected to carry into immediate effect. The despatch sets out by a declaration that the Home Authorities, after ample past experience, and present advice and information, are now in a position to decide upon ‘ the mode in which the assistance of Government should be afforded to the more extended and systematic promotion of general education in India, and on the measures which should at once be adopted to that end.’* At a subsequent place, the universities are alluded to as ‘ a most important part of our present plan.’† The immediate appointment of inspectors is insisted upon as necessary to the development of the new system,‡ while an important part of the duties of the inspectors is stated to be their periodically visiting the institutions affiliated to the universities.§ Again, the statement of ‘ the general scheme of the measures which we propose to adopt,’|| is made to include both the announcement of the plan of universities, and also that of grants in aid, about the latter of which there can be no doubt that the Court intend their immediate introduction; and the former as well as the latter, and indeed the description of the whole body of measures for the encouragement and extension of education, English and vernacular, from the establishment of universities down to the inspection of indigenous vernacular schools, is prefaced by the declaration that the Court are, ‘ describing generally what we wish to see done, leaving it to you, in communication with the several local Governments, to modify particular measures so far as may be required, in order to adapt them to the different parts of India.’¶

¶ Para. 23.

“ Judging, then, from the expressions, as well as from the whole purport of the despatch, it might have been supposed that the establishment of the universities, like all other measures suggested or directed in the document in question, was at once to be carried into effect by the Governor-General in Council, the more especially as the university, in its examinations, its connexion with and superintendence over affiliated institutions, its power of making rules for the whole, subject to the approval of Government, and its function of giving degrees, seems to be almost essential to the vital energy of the new system as laid down in the despatch.

“ In this view, it would have seemed necessary to suggest, in analogy to the course pursued on the establishment of the London University, that a Bill should forthwith be introduced into the Legislative Council to incorporate and empower the university for its proper purposes; and also to name and appoint the Chancellor, Vice-Chancellor and Fellows, and provide for the filling of subsequent vacancies in their numbers. And this is the course which it would seem most reasonable and right to adopt, were it not for the wording of para. 33 of the Court’s despatch, in which, in apparent opposition to the general purpose of the despatch, the Honourable Court ‘ desire that you take into consideration the institution of universities at Calcutta and Bombay, upon the general principles which we have now explained to you, and report to us upon the best method of procedure with a view to their incorporation by Acts of the Legislative Council of India.’

“ It is not easy to affix a satisfactory meaning to these expressions, or to say whether it be really the intention of the Honourable Court that nothing shall be done towards the establishment of universities until a report shall have been made to them and replied to upon a matter entirely within the competency of the authorities in India, viz., the method of introducing into the Legislative Council of India a Bill to incorporate the universities. Every needful instruction upon principle, and even in a great degree upon the detail of the system to be adopted is given in the despatch; the present necessity for the establishment of universities is declared; * the London University is announced as the model, and copies of the charters and regulations of that university are sent out, to be adopted and followed, with such necessary variations as may be required in detail.† The constitution of the Senate is fixed and its powers declared.‡ Instructions are given as to the manner of conferring degrees,§ of matriculation examinations,§ of affiliating institutions,§ of regulating the standard for honours,|| and of establishing professorships; ¶ and lastly, the existing Council of Education and Board of Education are named as Fellows; ** the power of nominating

* Para. 24.

† Para. 25.

‡ Para. 26.

§ Paras. 27, 28.

|| Para. 29.

¶ Paras. 30, 31, 32.

** Para. 33.

nominating other fellows is delegated to the Government,* with a general intimation of the classes from which they are to be selected,† and the appointment of Chancellor or Vice-Chancellor seem also to be left to the Government, with a mere expression of natural expectation that they will be persons of high station who have ‘shown an interest in the cause of education.’”

* Para. 33.

† Para. 34.

“All this is apparently left to the Government in India, and nothing remains but to incorporate the universities by law. For this, undoubtedly, the local government is competent to act. Yet for this only, if such be the meaning of the para. in question, it is ordered that the whole matter be again referred to the Home Authorities.

“It is remarkable, that although this unexpected direction seems to be conveyed by the phraseology of para. 33, the Court represent themselves only three paras. further, as ‘having provided for the general superintendence of education, and for the institution of universities.’”

“The paragraph in question‡ may be open to three constructions :

‡ Para. 33.

“First, that the Government is to proceed to action at once, establishing and incorporating the universities by Act of the Legislature, and reporting this to the Honourable Court as the method of procedure which has seemed best. This is the construction most reconcileable with the whole despatch, most reasonable, and most effectual, but unfortunately not easily to be forced upon the wording of the paragraph.

“Second, that the direction of the para. is to separate the institution from the incorporation of the universities, and that it purports that the Government is to ‘consider of the institution of universities,’ that is to institute them, and then to report as to their incorporation by Legislative Act. This, however, is not a satisfactory construction, even if it be legitimately to be put upon the words. For the university, as a dispenser of degrees, would be nothing till incorporated, and the mere framing and passing a Bill of incorporation seems exactly that for which it is least needful to refer to the Honourable Court.

“The third construction may be, that a Bill is to be drafted and submitted to the Honourable Court as to the best method of procedure for the purpose indicated, and the whole subject remain in abeyance till the answer of the Honourable Court be received. This last construction is most in accordance with the words of the para., though least in accordance with every other part of the despatch, and will prove very disappointing and disheartening to most of those who are interested in the question in this country. It may be observed, however, in this place, that if the most noble the Governor-General should agree in the opinion above expressed, that the university ought to be duly and regularly incorporated before it assumes to confer degrees, and on the other hand, should be desirous that the measures of detail which must be framed by the future Senate should be considered without delay, he might authorise those persons whom he intends to nominate by the Act, as the first members of the Senate, to consider and prepare such measures prospectively with a view to their adoption by the Senate as soon as the Act is passed.

“Whatever be the construction ultimately adopted, it will be necessary to name the persons who are to compose the Senate, and to ascertain their willingness to be nominated ; for, first, it will be in conformity with the model proposed, viz. the London University Charters,§ that the members of the Senate be named in the Act ; and secondly, they are required, as the first act of their authority, to frame rules,|| without which the other parts of the system will, to a great extent, remain inoperative.

§ Para. 25.

|| Para. 26.

“The offices of Chancellor and Vice-Chancellor need not now be mentioned except to observe that if the Governor-General should think fit to give express honour and dignity to the new institution by accepting the office of Chancellor of the Calcutta University, the members of the Executive Council may fitly be solicited to allow themselves to be nominated as Fellows. To them would be added, according to the terms of the despatch,¶ the members, native and European, of the Council of Education ; and in order to meet the views expressed in para. 34, the following names might suggest themselves as members of the Calcutta Senate :—Mr. Beadon, Dr. Mouat, the Archdeacon of Calcutta, the Advocate-General, the Chief Engineer, the Principal of Bishop’s College, the Principal of the Presidency College, the Principal of St. John’s (R. C.)

¶ Para. 33.

College,

College, the Principal of the Sanscrit College, the Principal of the Muddrusseh the Principal of the Medical College, the Principal of the Civil Engineers' College, the Rev. Dr. Duff*, the Rev. Mr. Ogilvie,† the Rev. A. Morgan,‡ Prince Gholam Mohummud, Dr. Mackinnon, Mr. Marshman, Baboo Prussunno Comar Tagore.

"It would be necessary to request the Government of Bombay to send a list of proposed members of the Senate of the Bombay University.

"The rules for examinations, for applications, and for the conferring of degrees and honours having to be framed by the Senate of each university when each shall have been constituted, it does not seem necessary to enter in this place on the consideration of the nature of the rules to be finally adopted. But it may be proper to state the number of degrees, which, perhaps, should be two in each of the subjects, viz., literature, mathematics, science, law, civil engineering, medicine. On the taking of each degree the student should have, as in the London University, an opportunity of taking honours, and even those who do not avail themselves of these opportunities, will be tempted by the second degree to carry their education beyond the low standard which is contemplated by the despatch as that of the common degree. It may be doubted whether this consideration extends to all the faculties; whether, for instance, it is desirable to have more than one degree in law, the standard for an ordinary degree being made such as shall test the capacity of the candidate for employment in the judicial service, or as a vakeel. It will be for consideration what titles shall be assigned to these degrees. They would, to a certain extent, be analogous to the degrees of B. A. and M. A. But it is not recommended that these titles should be imported into India from the mother country.

"Considering the proposed constitution of the Senates, it may seem that the determination of questions regarding the affiliation of particular schools may properly be left to the Senates, to whom application would be made by such schools as desired to be affiliated.

"The despatch suggests the institution of professorships, in connexion with the universities of law, civil engineering, the vernacular languages, and the learned languages of India.§

"In Calcutta these professorships either exist at present in connexion with the Hindoo College, or will be established in the New Presidency College, or in a separate Civil Engineering College. It may seem best that they should so remain, and that they should not be connected with the university in any nearer manner. The university, as it is proposed to be constituted, will be ill-suited for the superintendence of actual tuition; and, according to the strict model of the London University, should be confined to the function of examination and giving degrees. The rules of the Presidency College either are, or may be made sufficiently free to allow of the attendance on lectures on these subjects by students from other institutions. Perhaps the Senate would, by analogy to the rules of the London University, and in order to insure a sufficient knowledge of the English language, require every student desirous of attending the lectures of the professors in question, and especially those of the law professor, to have taken at least the first 'pass' degree in literature.

"The same principles are probably applicable to Bombay. But if the Senate at Bombay should prefer to have such lectureships in connexion with that university, there is no very strong reason why their wish should not be acceded to. In Calcutta the proposed establishment of the Presidency College, with its extensive professorships, furnishes a local reason which may not exist in Bombay."

14. I have given my best attention to the doubts expressed above, regarding the sense which is to be attached to the 33d para. of the despatch; to the words on which that doubt is founded, and to the arguments by which it has been sought to remove it.

15. My first impression on reading the despatch undoubtedly was, that it was the wish of the Honourable Court that the Government of India should

* Head of the Free Kirk College.

† Head of the General Assembly College.

‡ Head of the Parental Academy.

proceed to the establishment of the universities simultaneously with the other changes which were authorised in the despatch. The general tenor of that document and casual expressions contained in other letters from the Honourable Court still seem to me to favour that interpretation. It is the one which my own wishes would incline me to adopt, and I am most reluctant to surrender it. But the language of the 33d para. is so explicit and precise; it so distinctly requires the Government of India to report to the Honourable Court with reference to the proposed universities "upon the best method of procedure, with a view to their incorporation by Acts of the Legislative Council of India;" and it differs so markedly from the form of expression employed in para. 20, that I can find no escape from the apparent necessity for reporting to the Honourable Court our recommendations respecting the proposed universities, before we proceed to give effect to them.

16. I regret this delay, but it will probably not defer the institution of the universities more than a few months. In the meantime I conceive that the members of the Council of Education, relieved from their present duties, together with the other gentlemen whom the Government may propose to associate with them in the future *Senatus*, may be requested to apply themselves to the consideration of the rules and regulations which will be required for the governance of the university hereafter. By the adoption of this course hardly any time will practically be lost.

17. I consider that the office of Chancellor of the university ought to be held by the Governor-General for the time being; and I concur in the opinion expressed, that the Members of Council would render a service if they would consent to be nominated members of the *Senatus*. The other gentlemen whose names have been specified may also with advantage be appointed.

18. The proposal for having two degrees in each of the branches of instruction named is one well worthy of the consideration of the *Senatus*. I abstain from giving any direct opinion on the question at present; observing, however, that any one degree of the very low standard which seems to be contemplated by the Honourable Court would, to my mind, be of very little value. I would take this opportunity of repeating the opinion which I have expressed before elsewhere, that it would not be expedient to adopt in these Indian universities the nomenclature which has from long usage become peculiar to the universities of England.

19. With reference to the doubt which is expressed regarding professorships, it will be remembered that a subsequent despatch from the Honourable Court has provided that the professorships shall be attached to the Presidency College.

"The next branch of the despatch relates to grants in aid.*

"Upon this head there is not room for much remark beyond what is contained in the despatch itself. It is stated in the despatch that rules are to be framed for the administration of the grants,† and the framing of these rules will probably be best done by the several local governments, with the assistance of their respective heads of the department; the rules, when framed, to be submitted for the approval of the Supreme Government. Little can be added to the suggestions of the despatch in this respect; grants, it is stated,‡ are to be (1) based on entire non-interference as to the religious instruction conveyed in the schools assisted. (2). They are to be given, so far as the requirements of districts and the funds at disposal permit, to all schools which give a good secular education and are under permanent local management. (3). They are to be given to no schools which do not require from their pupils a fee for tuition,§ except normal schools. (4). They are to be given for specific objects in preference to simple pecuniary grants for general expenses. The specific objects are stated to be augmentation of salaries of head teachers, supply of junior teachers, foundation or part foundation of scholarships, erecting or part erecting or repairing a school-house, or provision of books.|| The amount and continuance of assistance to depend on reports of Government inspectors. Perhaps to these conditions it may be added, that they should in no case exceed in amount the sum expended on the school by private persons or bodies, and they should be carefully so given as that the effect shall not be in any case the substitution of public for private expenditure, but the increase and improvement of education.

* Para. 52.

† Para. 55.

‡ Para. 53.

Para. 54. §

|| Para. 55.

“The discretion of the local governments within these or such rules as may be devised should be absolute.

“It will be necessary, under existing rules for the control of the public expenditure, that every instance of an application for a grant must be, if approved, reported by each local government to the Supreme Government for its special sanction. If this be constantly observed, it will occasion delay and disappointment. It would be better, having sanctioned certain rules on the subject of giving these grants, that the local governments should be empowered to act upon them within certain limits without reference to the Supreme Government. The limit might be defined by fixing a certain annual expenditure on account of aid-grants which the local governments should not exceed, or by allowing them to expend up to a certain per-centage over and above their sanctioned annual expenditure on account of Government for educational purposes. Suppose 5 per cent. the limit; then if the annual expenditure by Government amounted to one lac, the Government might further expend 5,000 rupees per annum in grants in aid without reference to the supreme authority, and so on.

“The local government should, however, have full authority at any time to substitute expenditure to a given amount by a grant in aid for a similar amount of direct Government expenditure.

Thus, suppose a Government school in a certain zillah; if a zemindar or a body of subscribers should propose to establish a school in the same place with Government assistance, the Government school might be closed, and the funds hitherto expended on it used wholly or in part to furnish a grant or grants in aid, without any previous application to the Supreme Government, and without reference to the limit prescribed for ordinary grants in aid.

“This would be merely in accordance with what has heretofore been the practice of the present Council of Education.

“The other parts of the despatch relate entirely to matters which under the general instructions of the Governor-General in Council will be disposed of by the several local governments.

“Such, for instance, is the matter of the scholarships. These are to be very generally increased in number in the schools of the kind here called junior scholarships, and even of a much lower kind applicable to lower schools and a lower standard,* but the senior scholarships are to be gradually reduced in number and amount.†

* Paras. 38, 45, 46, 47, 63.
† Paras. 40, 64.

“It may be hoped that senior scholarships are not to be altogether withdrawn from the scheme of education. They are certainly too high generally in amount, and they may admit of reduction in number. But there are undoubtedly many cases in which poor but very promising students are only enabled by these scholarships to prosecute their studies to completion; and to deprive such persons of this advantage would probably inflict great discouragement on the cause of education.**

“The establishment of normal schools is very much to be desired; and the local governments will doubtless be glad to adopt in this respect the suggestions of the despatch.‡ But it will probably be difficult, if not impossible, to obtain in this country the services of men fit to preside over them, and the business is of sufficient urgency and importance to render it desirable that the local government should be empowered to procure fit persons from England, and to offer liberal salaries, at least equal to those now offered to the gentlemen who come to India to serve as professors in our colleges.

‡ Paras. 67, 69.

§ Para. 68.

“The system of pupil teachers seems quite inapplicable to this country.§ But the proposal to encourage attendance at normal schools by moderate monthly allowances to persons under training in those schools could not fail to prove advantageous.

“The proposed encouragement of the preparation of vernacular school books, on the plan recommended by Mr. Elphinstone, is undoubtedly well worthy of a trial, and will probably be successful.||

| Paras. 70, 71.

“It is exceedingly desirable that the rule propounded in the Honourable Court’s despatch for the encouragement of learning by means of Government patronage

** There is one kind of senior scholarships which might perhaps be added to our system with advantage, viz., “Travelling Scholarships,” to encourage our advanced students to visit various parts of India.

patronage should generally be accepted and acted upon, viz., that 'where other qualifications for office are equal, a person who has received a good education, irrespective of the place or manner in which it has been acquired, should be preferred to one who has not; and that even in lower situations, a man who can read and write should be preferred to one who cannot, if he is equally eligible in other respects.'*

* Para. 75.

"It may be apprehended that this is the rule by which the distribution of patronage is in fact at present generally guided; but to promulgate it as the declared purpose of Government, will do good, and will especially stimulate the progress of vernacular education.

"The despatch urges upon the notice of Government the necessity of adopting a plan for the encouragement of vernacular education in Bengal and the other Presidencies, such as has been so successful in the North Western Provinces.† This subject had, however, been previously taken up in consequence of a Minute by the Governor-General. A plan is understood to be ready, and about to be submitted to the Government of India, for vernacular education in Bengal. The other Presidencies are no doubt acting upon the same instructions.

† Paras. 87, 88, 89, 92, 93, 94, 95, 96.

"It does not appear that any further observations are called for on the subject of the despatch in question.

"Mr. Grant differs from the above paper only in feeling no doubt as to the interpretation that must be put upon para. 33 of the Court's despatch. He thinks it clear from that para. that the Court of Directors intend themselves to institute the universities, and to appoint the senates, after the Government of India shall have made to them a detailed report upon the subject, and shall have nominated certain individuals to be fellows, in addition to the specified body, of whose services the Court say, 'We propose to avail ourselves.' Mr. Grant does not think this meaning contradicted by or inconsistent with any other part of the despatch. Nor is he prepared to say that the Court's design, thus understood, will be discouraging to those most interested in education in India."

20. I am entirely of the opinion expressed, that the local governments ought not to be fettered by the necessity for referring every individual proposal for a grant in aid to the Supreme Government. It will be much better in every way that certain rules, having been prepared by the local government regarding grants in aid, and having received the confirmation of the Governor-General in Council, the local government should be left entirely free in the distribution of the grants.

21. In like manner the aggregate annual amount of the grants having been fixed, the details of the expenditure should be left entirely in the hands of the local government.

22. It would probably be difficult to say what the aggregate amount to be placed at the disposal of the local governments should be, until some inquiry had been made, and some experience had been gained. In the meantime an expenditure upon grants in aid, equal to five per cent. upon the annual educational expenditure, might be sanctioned for each of the local governments, in the mode which has been suggested.

23. The authority to "substitute expenditure to a given amount by a grant in aid for a similar amount of direct Government expenditure" may be conceded with advantage.

24. The remaining points adverted to in the despatch, and noticed in the extracts given above, call for no especial remark, and need only to be communicated to the different local governments.

30 December 1854.

(signed) *Dalhousie.*

Home Cons. 26th
January 1855.
No. 150.
The Honourable
Court's Despatch
of July 1854
on Education in
India.

MINUTE by the Honourable *J. A. Dorin*, dated 6 January 1855.

I BEG to express my general assent to the views and recommendations of the Most Noble the Governor-General for carrying out the instructions conveyed in the Honourable Court's great despatch on education.

Mr. Grant seems to me rightly to construe the 33d paragraph of that despatch as intending, what it in fact says, that a report shall be made in the first instance to the home authorities upon the measures to be adopted for the institution of universities at Calcutta and Bombay.

(signed) *J. A. Dorin.*

Home Cons. 26th
January 1855.
No. 150.

MINUTE by Major-General the Hon. *J. Low*, c. b., dated 10 January 1855.

AFTER an attentive perusal of the Most Noble the Governor-General's Minute, dated the 30th ultimo, on education in India, I feel that I need say nothing more than that I concur in the opinions above expressed by the Hon. Mr. Dorin.

(signed) *J. Low.*

Home Cons. 26th
January 1855.
No. 150.

MINUTE by the Hon. *J. P. Grant*, dated 11 January 1855.

I AGREE generally with the remarks made in the Governor-General's Minute; and I agree entirely as to the steps which his Lordship proposes to take.

It is mentioned in the paper quoted in his Lordship's Minute, that I do not share in the doubt felt by the other two gentlemen who signed that paper as to the construction to be put upon para. 33 of the Honourable Court's despatch. The meaning of that paragraph seems to me to be quite plain, and that meaning does not seem to me to be at all inconsistent with any other instructions conveyed in other passages of the same despatch, which relate to other subjects. I cannot think but that the appointment to the senate of the universities by the Honourable Court will be appreciated. But it will be right, I presume, to ascertain the willingness to serve in the councils of such of the intended nominees as may not be in the Honourable Company's service, before their names are reported home.

(signed) *J. P. Grant.*

Home Cons. 26th
January 1855.
No. 150.

MINUTE by the Hon. *B. Peacock*, dated 24 January 1855.

I CONCUR entirely in the construction put by the Governor-General upon the 33d para. of the despatch from the Honourable Court of Directors, dated 19 July 1854, and also in the views expressed by his Lordship in his Minute of the 30th December last.

(signed) *B. Peacock.*

(No. 280.)

Home Cons. 26th
January 1855.
No. 154.
Home Department,
Education.

From *C. Beadon*, Esq., Secretary to the Government of India, to the Honourable Sir *J. W. Colvile*, Kt.; dated 26 January 1855.

Honourable Sir,

I AM directed to inform you that the Most Noble the Governor-General of India in Council has been pleased to appoint you to be President of the committee for preparing a scheme for the establishment of universities in the presidency towns of Calcutta, Madras and Bombay.

2. Enclosed are the instructions addressed to the Committee, which you will be so good as to circulate among the members for perusal. A meeting of the committee should then be fixed for an early day.

I have, &c.

(signed) *C. Beadon*,
Secretary to the Government of India.

(No. 281.)

From *C. Beadon*, Esq., Secretary to the Government of India, to the Honourable Sir *J. W. Colville*, Kt., the Honourable *J. P. Grant*, *H. Ricketts*, Esq., *C. R. Prinsep*, Esq., *D. Elliot*, Esq., *A. Malet*, Esq., *C. Allen*, Esq., *C. Beadon*, Esq., *W. G. Young*, Esq., Lieutenant-Colonel *Goodwyn*, *K. Mac-kinnon*, Esq., M.D., *J. Jackson*, Esq., M.B., F.R.C.S., *H. Woodrow*, Esq., Lieutenant *W. N. Lees*, the Rev. *W. Stephenson*, *J. C. Marshman*, Esq., Baboo *Prosumo Comas Pagore*, Baboo *Ramapersaud Roy*, Baboo *Ram Gopal Ghose*, Pundit *Isserchunder Surma*; dated 26 January 1855. Home Cons. 26th January 1855. No. 153.

Gentlemen,

THE Most Noble the Governor-General in Council is desirous that steps should be immediately taken to prepare the scheme of an university, to be established in Calcutta, in accordance with the desire of the Honourable Court of Directors, as expressed in their despatch, No. 49, dated 19 July last, of which 25 printed copies are herewith forwarded for your information. The terms of the Honourable Court's despatch preclude his Lordship in Council from establishing an university, either here or at either of the other presidency towns, without further orders from the Home Government; but in anticipation of these orders, which, after the decided opinions embodied in the despatch, his Lordship in Council cannot doubt will be favourable, he considers it desirable that the details of a scheme in accordance with the outline sketched in the despatch should be settled with as little delay as possible, so that Bills for the incorporation of the universities at Calcutta, Madras, and Bombay, may, at the proper time, be brought into the Legislative Council, and that draft rules for examination, for the grants of degrees, and for other cognate matters, may be ready for discussion and adoption by the senates, so soon as those Bills are passed into law. Home Department.

2. With a view to secure uniformity in all important points of principle, the Governor-General in Council has come to the conclusion that the schemes of the Madras and Bombay universities should be framed, in the first instance, by the body to whom is entrusted the duty of preparing that of the Calcutta university. He thinks it of considerable importance that the three universities should resemble each other in their main features, and especially that the Acts of Incorporation should be as nearly as possible cast in the same terms. Local circumstances will doubtless, to some extent, render modifications necessary, but it is essential that the legal status and authority of each university should be the same, and that at each presidency town the same degree of acquirement in every branch of knowledge should entitle its possessor to the same kind of academical distinction and honour.

3. The Governor-General in Council has accordingly been pleased to appoint you to be a committee for preparing a scheme for the establishment of universities in the presidency towns of Calcutta, Madras, and Bombay. In conformity with the wishes of the Honourable Court, his Lordship in Council has availed himself on this occasion of the willing and valuable assistance of the honourable President and the members of the late council of education; he has added to their number several other gentlemen, whom it is the intention of the Government hereafter to associate with them in the senate of the university of Calcutta; and he has also appointed to the committee the members of the Legislative Council from Madras and Bombay, whose experience of the circumstances and wants of those Presidencies will enable them to render very valuable assistance.

4. The Honourable Sir James Colville will be the president of the committee, and the committee will chose its own secretary. The secretary will have authority to frank, as on the public service, all letters relating exclusively to the business of the committee, to indent for stationery on the public stores, and to incur such trifling contingent charges as may be necessary. If, as will be most convenient, the secretary be already in charge of a public office, he will not require the services of a clerk. The committee will probably find it

advisable to appoint from among themselves a sub-committee of correspondence, to conduct the preliminary inquiries, and to frame the rough draft of a scheme for discussion by the whole committee. His Lordship in Council would deprecate resort to written minutes by any member of the committee, and would recommend, as a preferable arrangement, that the scheme, when drawn by a small sub-committee of correspondence, should be discussed at a full meeting of the committee (of which a majority may form a quorum), and settled according to the opinions of the majority of members present.

5. The committee will correspond with the several local Governments, and obtain from them their views and opinions in regard to the measures to be adopted for the purpose of carrying out the Honourable Court's plan of a university in the several Presidencies. From the Honourable the Lieutenant-governors of Bengal and the North Western Provinces the committee will receive valuable suggestions in regard to the proposed Calcutta University; and the Honourable the Governors in Council of Madras and of Bombay will afford the committee all requisite information respecting those to be established at the other presidency towns. Those Governments will also be requested from hence to furnish the committee with lists of the persons who are eventually to form the senate of those universities, in order that their names may be included in the Acts of Incorporation.

6. The Governor-General in Council is of opinion that the office of Chancellor of the University of Calcutta should be held by the Governor-General for the time being, and that the Lieutenant-governors of Bengal and the North Western Provinces, and the members of the Council of India, should be members of the senate. In like manner the Governors of Madras and Bombay should, in his Lordship's opinion, be the chancellors; and the members of Council at those Presidencies members of the senate, of the universities of Madras and Bombay.

7. It has been suggested to the Governor-General in Council that there should be two degrees in each of the subjects embraced in the design of an Indian university, viz., literature, mathematics, science, law, civil engineering, and medicine, and that on the taking of each degree, the student should have, as in the London University, an opportunity of taking honours. This suggestion his Lordship desires to leave to the consideration of the committee, and eventually of the senate, observing that any one degree of the very low standard which seems to be contemplated by the Honourable Court, would be of little value. The Governor-General in Council also leaves it to the committee to consider what titles shall be assigned to the several degrees; but he desires to express doubts of the expediency of adopting in the universities of India the nomenclature which has from long usage become peculiar to the universities of England.

8. In the 30th para. of the Honourable Court's despatch allusion is made to the foundation of professorships in connexion with the university, for the purpose of giving lectures in certain branches of knowledge. The establishment of a general presidency college in Calcutta has rendered unnecessary the foundation of any such professorships here; but if they should be required either at Madras or Bombay, there seems to be no sufficient reason for not departing to that extent from the plan of the London University, which the Honourable Court have wisely held up as the model to be generally followed in India. In that case, however, the departments of instruction and of examination should be kept distinct from each other.

9. With these observations, his Lordship in Council leaves the subject to the careful and anxious consideration of the committee.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

(Nos. 282 to 300.)

From *C. Beadon*, Esq., Secretary to the Government of India, to the Honourable *J. P. Grant*; dated 26 January 1855.

Home. Cons. 26th
January 1855.
No. 154.

Honourable Sir,

I AM directed to inform you that the Most Noble the Governor-General of India in Council has been pleased to appoint you to be a member of the committee for preparing a scheme for the establishment of universities in the presidency towns of Calcutta, Madras and Bombay.

Home Department.
Education.

2. You will receive instructions through Sir James Colville, the President of the committee.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

Copies of the above letter were also forwarded to H. Ricketts, Esq., J. Jackson Esq., Rev. W. Stephenson, C. Beadon, Esq., K. Mackinnon, Esq., M.D., Baboo Prosunnoo Comar Pagore, A. Malét, Esq., Baboo Ramgopaulghose, D. Elliot, Esq., Pundit Isserchunder Surma, Lieutenant W. N. Lees, C. R. Prinsep, Esq., Baboo Rampersaud Roy, C. Allen, Esq., H. Woodrow, Esq., W. G. Young, Esq., Lieutenant-Colonel H. Goodwyn, J. C. Marshman, Esq.

(No. 166.)

From *C. Beadon*, Esq., Secretary to the Government of India, to *W. Grey*, Esq., Secretary to the Government of Bengal.

Home Cons. 26th
January 1855.
No. 151.

Sir,

I AM now desired to communicate to you the following observations and orders of the Governor-General in Council on the despatch of the Honourable Court of Directors, No. 49, dated the 19th July last, on the subject of Education in India.

Home Department.

2. The despatch itself contains so complete an exposition of the wishes and intentions of the Honourable Court, it lays down so clearly the principles by which the Government of India is henceforth to be guided in regard to education, and it indicates so plainly the general form of the system by which the instruction of the natives of this country is to be carried on, that it is quite unnecessary for the Governor-General in Council to enter upon any general remarks on the subject. It remains for his Lordship only to consider the practical measures which should now be taken in execution of the instructions of the Honourable Court.

3. The despatch divides its subject generally under three principal heads, and it may be most convenient to follow that distribution.

These heads are—

- 1st. Machinery for managing the department.
- 2d. Establishment of universities.
- 3d. Grants in aid.

4. With regard to the first of these, it is to be observed that the despatch treats the organization of the new machinery as a matter which should be dealt with immediately and independently of the other subjects. To save time, the Court have authorised the Governments of Madras and Bombay to make provisional arrangements which those Governments are to report to the Government of India for approval and sanction; and the despatch leaves it to the Governor-General in Council to "take similar measures" for Bengal and Agra, and for the non-regulation provinces. The first practical step, then, to be taken is to give authority to the Governments of Bengal and the North Western Provinces to appoint severally an officer to superintend the department of education, and a sufficient staff of inspectors and clerks.

5. Of the superintending officers it is observed in the despatch that it may perhaps be advisable that they, as well as some of the inspectors, should, in the first instance, be members of the civil service, though not to be considered as necessarily so to the exclusion of more fit persons, European or native. It is also suggested that their remuneration should be such as publicly to recognise the importance of their duties. The Governor-General in Council accordingly authorises the Lieutenant-governor of Bengal to appoint a head of the department for the Lower Provinces, under the designation of Director of Public Instruction, on a salary not exceeding 3,000 rupees a month, according to the standing of the officer selected, so as to allow of a gradual increase to the salary if it be fixed in the first instance at a less sum than 3,000 rupees a month until it reach that limit, and thereby to retain, if desirable, the services of a competent officer for a considerable time. His Lordship also authorises the employment of not more than four inspectors, on salaries varying from 500 rupees to 1,500 rupees a month. The necessary establishment of clerks and other officers is left, in the first instance, to be fixed by the Lieutenant-governor, subject to the approval of the Governor-General in Council, to whom the scheme of establishment, when matured, will have to be submitted for sanction.

6. It is only necessary to add on this head, that upon the ability and energy of the superintending officer, and upon the vigilance and efficiency of the inspectors, will depend, in a great measure, not only the well-doing of the Government schools, but also of the colleges and schools to be affiliated to the university when founded, and the success or failure of the system of grants in aid.

7. The next practical step to be taken in the order observed in the despatch relates to the establishment of an university. Here, however, occurs something like an ambiguity in the despatch, which requires to be cleared up.

8. The general impression which the whole tenor of the despatch is calculated to leave on the mind on a first perusal, is that it is intended to convey to the Government instructions upon particular and general measures and principles which the Government is, without further reference home, empowered and expected to carry into immediate effect. The despatch sets out by a declaration that the home authorities, after ample past experience and present advice and information, "are now in a position to decide upon the mode in which the assistance of Government should be afforded to the more extended and systematic promotion of general education in India, and on the measures which should at once be adopted to that end." At a subsequent place the universities are alluded to as "a most important part of our present plan." The immediate appointment of inspectors is insisted upon as necessary to the development of the new system, while an important part of the duties of the inspectors is stated to be their periodically visiting the institutions affiliated to the universities. Again, the statement of "the general scheme of the measures which we propose to adopt," is made to include both the announcement of the plan of universities and also that of grants in aid; about the latter of which there can be no doubt that the Court intend their immediate introduction, and the former as well as the latter, and, indeed, the description of the whole body of measures for the encouragement and extension of education, English and vernacular, from the establishment of universities down to the inspection of indigenous vernacular schools, is prefaced by the declaration that the Court are "describing generally what we wish to see done, leaving it to you, in communication with the several local governments, to modify particular measures so far as may be required, in order to adapt them to the different parts of India."

9. Judging then from the expressions, as well as from the whole purport of the despatch, it might have been supposed that the establishment of the universities, like all the other measures suggested or directed in the document in question, was at once to be carried into effect by the Governor-General in Council, the more especially as the university, in its examinations, its connexion with and superintendence over affiliated institutions, its power of making rules for the whole subject to the approval of Government, and its function of giving degrees, seems to be almost essential to the vital energy of the new system as laid down in the despatch.

10. In this view, it would have seemed necessary, in analogy to the course pursued on the establishment of the London University, that a Bill should forthwith be introduced into the Legislative Council to incorporate and empower the university for its proper purposes; and also to name and appoint the chancellor, vice-chancellor and fellows, and provide for the filling of subsequent vacancies in their numbers. And this is the course which it would seem most reasonable and right to adopt were it not for the wording of para. 33 of the Court's despatch, in which, in apparent opposition to the general purpose of the despatch, the Honourable Court "desire that you take into consideration the institution of universities at Calcutta and Bombay, upon the general principles which we have now explained to you, and report to us upon the best method of procedure, with a view to their incorporation by Acts of the Legislative Council of India."

11. The Governor-General in Council was at first inclined to think that it was the wish of the Honourable Court that the Government of India should proceed to the establishment of the universities simultaneously with the other changes which were authorised in the despatch. The general tenor of that document and casual expressions contained in other letters from the Honourable Court still seem to his Lordship to favour that interpretation. It is the one which the wishes of the Governor-General in Council would incline him to adopt, and he is most reluctant to surrender it. But the language of the 33d para. is so explicit and precise; it so distinctly requires the Government of India to report to the Honourable Court, with reference to the proposed universities, "upon the best method of procedure, with a view to their incorporation by Acts of the Legislative Council of India;" and it differs so markedly from the form of expression employed in para. 20, that there is no escape from the necessity for reporting to the Honourable Court the recommendations that may be made respecting the proposed universities before proceeding to give effect to them.

12. The Governor-General in Council regrets this delay; but it will probably not defer the institution of the universities more than a few months. In the meantime it appears to his Lordship in Council that the members of the Council of Education, relieved from their present duties, together with the other gentlemen whom it is proposed to associate with them in the future senate, may be requested to apply themselves to the consideration of the rules and regulations which will be required for the governance of the universities hereafter. Instructions will accordingly be issued to those gentlemen from this office, and the Governor-General in Council hopes that by the adoption of this course hardly any time will practically be lost.

13. The next branch of the despatch relates to grants in aid. Upon this head there is not room for much remark beyond what is contained in the despatch itself. It is stated in the despatch that rules are to be framed for the administration of the grants, and the Governor-General in Council desires to leave the framing of these rules in each Presidency to the local Government, the rules when framed being submitted for the approval of the Government of India.

14. It is stated in the despatch, 1st, that grants are to be based on entire non-interference as to the religious instruction conveyed in the schools assisted; 2d, that they are to be given, so far as the requirements of districts and the funds at disposal permit, to all schools which give a good secular education, and are under permanent local management; 3d, that they are to be given to no schools which do not require from their pupils a fee for tuition except normal schools; and that they are to be given for specific objects in preference to simple pecuniary grants for general expenses. The specific objects are stated to be, augmentation of salaries of head teachers, supply of junior teachers, foundation or part foundation of scholarships, erecting or partly erecting or repairing a school-house, and provision of books. The amount and continuance of assistance are to depend on reports of Government inspectors. To these conditions it may be added, that the grant should in no case exceed in amount the sum expended on the school by private persons or bodies; and that they should be carefully so given as that the effect shall not be, in any case, the substitution of public for private expenditure, but the increase and improvement of education.

15. The Governor-General in Council is entirely of opinion that these rules should be so framed as that the local Government shall not be fettered by the necessity for referring every individual proposal for a grant in aid to the Supreme Government. It will be much better in every way that, certain rules having been prepared by the local Government regarding grants in aid, and having received the confirmation of the Governor-General in Council, the local Government should be left entirely free in the distribution of the grants.

16. His Lordship also thinks that, in like manner, the aggregate annual amount of the grants having been fixed, the details of the expenditure should be left entirely in the hands of the local government. It is difficult to say what the aggregate amount to be placed at the disposal of the local governments should be, until some inquiry has been made, and some experience gained. In the meantime, the rules may be framed in the first instance, so as to provide for an expenditure upon grants in aid equal to five per cent. upon the annual educational expenditure, and the local government may also have authority to substitute expenditure to a given amount, by a grant in aid for a similar amount of direct government expenditure.

17. The other parts of the despatch relate entirely to matters which may be disposed of by the Lieutenant-governor; such, for instance, are the modifications proposed in the system of scholarships, the establishment of normal schools, the preparation of vernacular school-books, and the bestowal of public patronage on educated persons. The subject of establishing vernacular schools will be dealt with in a separate communication.

18. The Governor-General in Council will expect to receive from the Honourable the Lieutenant-governor an annual report on the state and progress of education of all kinds within the limits of his lieutenant-governorship, commencing with the official year ending 30th April next; and his Lordship in Council hopes that these reports will be furnished as soon as possible after the close of the period to which they refer.

Fort William,
26 January 1855.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

(No. 139.)

Home Cons. 26th
January 1855.
No. 152. From *Cecil Beadon*, Esq., Secretary to the Government of India, to *W. Muir*, Esq., Secretary to the Government of the North Western Provinces.

Home Department.
Education. Sir,
I AM now desired to communicate to you the following observations and orders of the Governor-General in Council on the despatch of the Honourable Court of Directors, No. 49, dated the 19th July last, on the subject of education in India.

2. The despatch itself contains so complete an exposition of the wishes and intentions of the Honourable Court; it lays down so clearly the principles by which the Government of India is henceforth to be guided in regard to education; and it indicates so plainly the general form of the system by which the instruction of the natives of this country is to be carried on, that it is quite unnecessary for the Governor-General in Council to enter upon any general remarks on the subject. It remains for his Lordship only to consider the practical measures which should now be taken in execution of the instructions of the Honourable Court.

3. The despatch divides its subject generally under three principal heads, and it is most convenient to follow that distribution.

These heads are:

- 1st. Machinery for managing the department.
- 2d. Establishment of universities.
- 3d. Grants in aid.

4. With

4. With regard to the first of these, it is to be observed that the despatch treats the organisation of the new machinery as a matter which should be dealt with immediately, and independently of the other subjects. To save time, the Court have authorised the Governments of Madras and Bombay to make provisional arrangements, which those governments are to report to the Government of India for approval and sanction, and the despatch leaves it to the Governor-General in Council to "take similar measures" for Bengal and Agra, and for the non-regulation provinces. The first practical step then to be taken is, to give authority to the Governments of Bengal and the North Western Provinces to appoint, severally, an officer to superintend the department of education, and a sufficient staff of inspectors and clerks.

5. Of the superintending officers it is observed, in the despatch, that it may perhaps be advisable that they, as well as some of the inspectors, should in the first instance be members of the civil service, though not to be considered as necessarily so to the exclusion of more fit persons, European or native. It is also suggested, that their remuneration should be such as publicly to recognise the importance of their duties. The Governor-General in Council accordingly authorises the Lieutenant-governor of the North Western Provinces to appoint a head of the department for those provinces, under the designation of "Director of Public Instruction," on a salary not exceeding 3,000 rupees a month, according to the standing of the officer selected, so as to allow of a gradual increase to the salary if it be fixed in the first instance at a less sum than 3,000 rupees a month, until it reach that limit; and thereby to retain, if desirable, the services of a competent officer for a considerable time. His Lordship also authorises the employment of not more than two inspectors, on salaries varying from 800 rupees to 1,200 rupees a month. The necessary establishment of clerks and other officers is left, in the first instance, to be fixed by the Lieutenant-governor, subject to the approval of the Governor-General in Council, to whom the scheme of establishment, when matured, will have to be submitted for sanction.

6. It is only necessary to add on this head, that upon the ability and energy of the superintending officer, and upon the vigilance and efficiency of the inspectors, will depend in a great measure not only the well-doing of the Government schools, but also of the colleges and schools to be affiliated to the university when founded, and the success or failure of the system of grants in aid.

7. The next practical step to be taken, in the order observed in the despatch, relates to the establishment of an university. Here, however, occurs something like an ambiguity in the despatch which requires to be cleared up.

8. The general impression which the whole tenor of the despatch is calculated to have on the mind on a first perusal is, that it is intended to convey to the Government instructions upon particular and general measures and principles, which the Government is, without further reference home, empowered and expected to carry into immediate effect. The despatch sets out by a declaration that the home authorities, after ample past experience, and present advice and information, "are now in a position to decide upon the mode in which the assistance of Government should be afforded to the more extended and systematic promotion of general education in India, and on the measures which should at once be adopted to that end." At a subsequent place, the universities are alluded to as "a most important part of our present plan." The immediate appointment of inspectors is insisted upon as necessary to the development of the new system, while an important part of the duties of the inspectors is stated to be their periodically visiting the institutions affiliated to the universities. Again, the statement of "the general scheme of the measures which we propose to adopt," is made to include both the announcement of the plan of universities, and also that of grants in aid, about the latter of which there can be no doubt, that the Court intend their immediate introduction; and the former, as well as the latter, and indeed the description of the whole body of measures for the encouragement and extension of education, English and vernacular, from the establishment of universities down to the inspection of indigenous vernacular schools, is prefaced by the declaration that the Court are

“describing generally what we wish to see done, leaving it to you, in communication with the several local Governments, to modify particular measures so far as may be required, in order to adapt them to the different parts of India.”

9. Judging, then, from the expressions, as well as from the whole purport of the despatch, it might have been supposed that the establishment of the universities like all the other measures suggested or directed in the document in question, was at once to be carried into effect by the Governor-General in Council, the more especially as the university in its examinations, its connexion with and superintendence over affiliated institutions, its power of making rules for the whole, subject to the approval of Government, and its function of giving degrees, seems to be almost essential to the vital energy of the new system as laid down in the despatch.

10. In this view it would have seemed necessary, in analogy to the course pursued on the establishment of the London University, that a Bill should forthwith be introduced into the Legislative Council to incorporate and empower the university for its proper purposes; and also to name and appoint the Chancellor, Vice-Chancellor and Fellows, and provide for the filling of subsequent vacancies in their numbers. And this is the course which it would seem most reasonable and right to adopt, were it not for the wording of para. 33, of the Court's despatch, in which, in apparent opposition to the general purpose of the despatch, the Honourable Court “desire that you take into consideration the institution of universities at Calcutta and Bombay upon the general principles which we have now explained to you, and report to us upon the best method of procedure with a view to their incorporation by Acts of the Legislative Council of India.”

11. The Governor-General in Council was at first inclined to think, that it was the wish of the Honourable Court that the Government of India should proceed to the establishment of the universities simultaneously with the other changes which were authorized in the despatch. The general tenor of that document, and casual expressions contained in other letters from the Honourable Court, still seem to his Lordship to favour that interpretation. It is the one which the wishes of the Governor-General in Council would incline him to adopt, and he is most reluctant to surrender it. But the language of the 33d paragraph is so explicit and precise; it so distinctly requires the Government of India to report to the Honourable Court with reference to the proposed universities, “upon the best method of procedure with a view to their incorporation by Acts of the Legislative Council of India,” and it differs so markedly from the form of expression employed in para. 20, that there is no escape from the necessity for reporting to the Honourable Court the recommendations that may be made respecting the proposed universities before proceeding to give effect to them.

12. The Governor-General in Council regrets this delay, but it will probably not defer the institution of the universities in the three Presidency towns more than a few months. In the meantime, it appears to his Lordship in Council, that the members of the Council of Education, relieved from their present duties, together with the other gentlemen whom it is proposed to associate with them in the future senate, may be requested to apply themselves to the consideration of the rules and regulations which will be required for the governance of the universities hereafter. Instructions will accordingly be issued to those gentlemen from this office, and the Governor-General in Council hopes that by the adoption of this course hardly any time will practically be lost.

13. The next branch of the despatch relates to grants in aid. Upon this head there is not room for much remark beyond what is contained in the despatch itself. It is stated in the despatch that rules are to be framed for the administration of the grants, and the Governor-General in Council desires to leave the framing of these rules in each Presidency to the local government, the rules when framed being submitted for the approval of the Government of India.

14. It is stated in the despatch (1) that grants are to be based on entire non-interference as to the religious instruction conveyed in the schools assisted; (2) that they are to be given, so far as the requirements of districts and the funds

funds at disposal permit, to all schools which give a good secular education, and are under permanent local management; (3) that they are to be given to no schools which do not require from their pupils a fee for tuition, except normal schools, and that they are to be given for specific objects in preference to simple pecuniary grants for general expenses. The specific objects are stated to be, augmentation of salaries of head teachers, supply of junior teachers, foundation or part foundation of scholarships, erecting or partly erecting or repairing a school-house, and provision of books. The amount and continuance of assistance are to depend on reports of Government inspectors. To these conditions, it may be added, that the grant should in no case exceed in amount the sum expended on the school by private persons or bodies; and that they should be carefully so given as that the effect shall not be in any case the substitution of public for private expenditure, but the increase and improvement of education.

15. The Governor-General in Council is entirely of opinion that these rules should be so framed as that the local government shall not be fettered by the necessity for referring every individual proposal for a grant in aid to the Supreme Government. It will be much better in every way that, certain rules having been prepared by the local government regarding grants in aid, and having received the confirmation of the Governor-General in Council, the local government should be left entirely free in the distribution of the grants.

16. His Lordship in Council also thinks that, in like manner, the aggregate annual amount of the grants having been fixed, the details of the expenditure should be left entirely in the hands of the local government. It is difficult to say what the aggregate amount to be placed at the disposal of the local governments should be, until some inquiry has been made, and some experience gained. In the meantime, the rules may be framed in the first instance, so as to provide for an expenditure upon grants in aid, equal to five per cent. upon the annual educational expenditure, and the local government may also have authority to substitute expenditure to a given amount by a grant in aid for a similar amount of direct Government expenditure.

17. The other parts of the despatch relate entirely to matters which may be disposed of by the Lieutenant-Governor; such, for instance, are the modifications proposed in the system of scholarships, the establishment of normal schools, the preparation of vernacular school-books, and the bestowal of public patronage on educated persons.

18. The Governor-General in Council will expect to receive from the Honourable the Lieutenant-Governor an annual report on the state and progress of education of all kinds within the limits of his lieutenant-governorship, commencing with the official year ending the 30th April next; and his Lordship in Council hopes that these reports will be furnished as soon as possible after the close of the period to which they refer.

Fort William,
26 January 1855.

I have, &c.
(signed) Cecil Beadon,
Secy. to the Govt. of India.

(No. 176.)

From Cecil Beadon, Esq., Secretary to the Government of India, to Sir H. C. Montgomery, Bart., Chief Secretary to the Government of Fort St. George. Home Cons. 26th January 1855. No. 155.

Sir,

WITH reference to the despatch of the Honourable Court of Directors addressed to your Government on the 30th August last, No. 44, I am directed to forward for the information, and so far as applicable, for the guidance of the Honourable the Governor in Council, copy of the letters addressed to the Governments of Bengal and the North Western Provinces on the subject of education, and also of the instructions given to the Committee which the Governor-General in Council has appointed for preparing a scheme for the establishment of universities in the presidency towns of Calcutta, Madras, and Bombay.

Home Department,
Education,
No. 39.

2. The Governor-General in Council further directs me to request, that the Governor in Council will favour the Committee with a list of the persons whom it is intended should form the senate of the future university, and with the views and opinions of the local government, in regard to the measure to be adopted for carrying out the Honourable Court's plan of an university in the Presidency of Madras.

3. I am directed to take this opportunity of acknowledging and replying to your letter, No. 78, dated the 9th November last. In this letter the Government of Madras proposes, not as the permanent establishment, but only as the agency "necessary for initiating their proceedings," the appointment of a Secretary to Government in the Education Department, on a salary of 3,333 rupees a month, of an under-secretary for the same department on a salary of 1,350 rupees a month, of six inspectors on 1,200 rupees a month each, and of other minor officers. These large proposals are supported by a reference to the words of the Honourable Court, that "in any case the scale of their remuneration shall be so fixed as publicly to recognise the important duties they will have to perform." Fully bearing in mind these sentiments of the Honourable Court, and entirely assenting to the principle they involve, the Governor-General in Council yet thinks that the establishment proposed is both unduly extensive and unnecessarily costly. His Lordship thinks that the creation of a secretary to the Government in the Education Department is uncalled for and inexpedient; that in Madras, as elsewhere, the department will be managed with thorough efficiency by a director of public instruction; and further, that the salary assigned to that officer in Bengal and the North Western Provinces is sufficient to command the services of the men best qualified for the duty. Having regard also to the limited number of schools in the Presidency of Madras, the number of inspectors proposed seems to the Governor-General in Council to be excessive, and whatever number may be eventually appointed, they ought not to be more highly remunerated than in the two divisions of the Bengal Presidency.

4. The information required in your letter, No. 88, dated the 4th December last, has been sought for from the Government of Bengal.

Fort William,
26 January 1855.

I have, &c.
(signed) Cecil Beadon,
Secy. to the Govt. of India.

The above letter, with the exception of the third and fourth paragraphs, was also sent to the Chief Secretary to the Government of Bombay (No. 177.)

(No. 178.)

Home Cons.
26th January 1855.
No. 157.

From Cecil Beadon, Esq., Secretary to the Government of India, to R. Temple, Esq., Secretary to the Chief Commissioner, Punjab.

Sir,

Home Department.
Education.

I AM directed by the Most noble the Governor-General in Council to forward, for the information and guidance of the Chief Commissioner, 20 printed copies of a despatch from the Honourable Court of Directors, No. 49, dated the 19th July last, and also copy of a letter addressed this day to the Government of the North Western Provinces, which is generally applicable to the Punjab.

2. You will be so good as to report, for the information and approval of the Governor-General in Council, the arrangements which the Chief Commissioner proposes to make for carrying out the views of the Honourable Court in respect to organisation of the department of education, and to grants in aid to private schools. His Lordship in Council desires to know what salary the Chief Commissioner would, on the first instance, propose to attach to the director's office, and how many inspectors will be required at the outset of the undertaking.

3. The proposals made in your predecessor's letter, No. 363, dated the 1st May last, relative to the extension of vernacular education, are entirely approved. The Governor-General in Council desires that steps may be immediately taken to introduce throughout the Punjab the same system that has already succeeded so well in the North Western Provinces with normal schools for the training of masters.

4. The

4. The Governor-General in Council regards the foundation of a college at Lahore, similar to those at Agra and Delhi, as a necessary and substantial part of the scheme of education for the Punjab, and desires me to request the early attention of the Chief Commissioner to this subject. His Lordship in Council is also favourable to the establishment of station or zillah schools for imparting both English and a higher order of vernacular instruction, wherever the ground is not preoccupied by missionary or other effective private schools, whether assisted by grants in aid or not.

Fort William,
26 January 1855.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

(No. 229.)

COPY of this letter forwarded to the Foreign Department for information.

(No. 179.)

From *Cecil Beadon*, Esq., Secretary to the Government of India, to Colonel the Honourable *W. J. Butterworth*, c. b., Governor of the Straits Settlements.

Honourable Sir,

WITH reference to the correspondence noted in the margin, I am directed by the Most noble the Governor-General in Council to enclose a printed copy of a despatch from the Honourable Court of Directors, No 49, dated the 19th July last, and to request that you will report at large upon the state of education in the settlements, and their wants in that respect; and that you will advise the Government of India what steps may advantageously be taken with a view to give effect to the intentions of the Honourable Court.

Home Cons.
26th January 1855.
No. 156.
Home Department,
Education.
From Govr. Straits
Settlements,
No. 89, dated
26th September.
To Govr. Straits
Settlements,
No. 1248, dated
24th November.

Fort William,
26 January 1855.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

(No. 180.)

From *Cecil Beadon*, Esq., Secretary to the Government of India, to *G. A. C. Plowden*, Esq., Commissioner of Nagpore.

Home Cons.
26th January 1855.
No. 158.

Sir,

WITH reference to the enclosed printed copy of a despatch from the Honourable Court of Directors, No. 49, dated the 19th July last, I am directed by the Most noble the Governor-General in Council to request that you will report what steps you would recommend the Government to take with a view to the diffusion of education among all classes within the province of Nagpore.

(To Mysore only.) 2. The province would probably be most conveniently managed in educational matters as a part of the system about to be established in the Madras Presidency, the functionary who may have charge of such matters in Mysore corresponding for the present through the Commissioner to the Government of India. On this point the Governor-General in Council desires to be favoured with your opinion.

Fort William,
26 January 1855.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

The above letter was also forwarded, with the exception of the second paragraph (which was sent to Mysore only), to Lieutenant-general Cubbin, Commissioner of Mysore (No. 181); Major A. P. Phayre, Pegu (No. 182); Lieutenant-colonel Sir A. Bogle, Knt., Tenasserim and Martaban Provinces (No. 183); and G. A. Bushby, Esq., Resident of Hyderabad (No. 184).

(No. 166.)

In India Public
Letter,
No. 57, 1855.

From the Secretary to the Government of Bengal to the Secretary to the Government of India, Home Department; dated Fort William, 4 May 1855.

Education.

Sir,

* No. 49, dated
19th July 1854.

WITH reference to the request conveyed in the 13th paragraph of your letter, No. 166, dated the 26th January last, I am now directed to submit, for the approval of the Supreme Government, the accompanying draft of the rules under which the Lieutenant-Governor proposes that grants in aid should be assigned to private schools, under the authority conveyed in the despatch* from the Honourable Court, which formed the subject of your letter above quoted.

2. I am desired to say, that the Lieutenant-Governor wishes these rules to be regarded mainly as an indication of the general principles upon which grants in aid should in the first instance be assigned, to be modified from time to time as further experience may render necessary, all such changes however being previously communicated to the Supreme Government.

I have, &c.
(signed) *W. Grey*,
Secy. to the Govt. of Bengal.

MINUTE by the Honourable *J. P. Grant*, concurred in by the Honourable *J. A. Dorin*, Major-General the Honourable *J. Low*, and the Honourable *B. Peacock*.

Proposed rules for
Grant in aid in
Bengal.

I AGREE with the Secretary in thinking that these rules should be approved, as provisional rules for Bengal, at once. As the Lieutenant-Governor of Bengal is prepared to act upon the plan, the sooner he is enabled to do so the better. But I think no permanent rules can be determined upon until the Government of India shall have before it the views of all the local governments.

There are some alterations of wording proposed in pencil by the Secretary, which seem to me improvements, and I have suggested a few more such alterations in pencil myself.

I mention here a few points which appear to me to be of material importance.

I do not think the Indian Governments are at liberty to adopt any rules which are not consistent with the instructions of the Home Government in the great education despatch of the 19th of July 1854. I think that although the Government of India is authorized to fill up details of the scheme, into which that despatch has not entered, it is not authorized to omit any rule, or to contravene any rule which has been laid down therein. I am of opinion, therefore, that even any provisional rules that may be authorized for the guidance of any local government must embrace all the points on which definitive instructions are given in that despatch, and must be in strict and literal conformity with the instructions so given.

In respect to details not specifically provided for in the despatch, I see no objection to compliance with the Lieutenant-Governor's wish, that the rules now to be authorized for Bengal should "be regarded mainly as an indication of the general principles upon which grants in aid should in the first instance be assigned, to be modified from time to time as further experience may render necessary." But in respect to all points which are specifically provided for in the well-considered and carefully prepared despatch in question (and the most numerous and important points noticed in these rules are of this nature), I think no alterations can be properly allowed by the Indian Governments, either now or hereafter, without reference to the Honourable Court.

To rule 1, after the words "will at its discretion," I would add these words: "so far as the requirements of each particular district, as compared with others, and the funds at the disposal of Government may render it possible." These words are taken from para. 53 of the despatch, and they are very necessary, as tending to check the error into which those having the disposal of grants in aid are very likely to fall, of giving most where least is wanted. The tendency

tendency will always be to give most money where the applicants are most numerous and most audible, that is to say, to districts which, like the neighbourhood of Calcutta, are already largely supplied with schools, leaving too little for remote districts starving for want of adequate schools.

I would alter rule 4 a little. Instead of making the stoppage of the grant depend upon bad management generally, I think it should depend only upon the management in that particular branch with reference to which only the aid was originally granted, that is to say, the branch of secular education. This was doubtless the intention of the rule as framed, but such intention is not clearly expressed.

After the word "whether," in substitution for the following words in the same paragraph, I would say, "a good secular education is practically imparted, or not. And it will withdraw its aid from any school which may be for any considerable period unfavourably reported upon in this respect."

I think rule 5, which, as proposed, would merely provide that "a preference will be given to schools the system of which is to require payment, however small, from its pupils;" and that other schools must explain "to the satisfaction of Government why the system of payment should not be adopted," must be fundamentally altered. It is, in fact, as proposed by the Lieutenant-Governor, in absolute contradiction of para. 54 of the despatch. When the Honourable Court ordered the adoption "as a general principle," of the principle that grants in aid shall be given "to such schools only (with the exception of normal schools) as require some fee, however small, from their scholars," they surely did not mean this to be merely a nominal rule, to which the Indian Governments may make as many exceptions as they please for any reasons that may strike their fancies, without regard to the principle which the Honourable Court had in view in laying down the rule. A school for some savage tribe would be a very fair exception. But I do not see how any school in Bengal Proper, or in any civilized and populous district, could be made exceptional without violating the essential principle of the rule. This principle is one, in my judgment, of the highest importance everywhere, and nowhere more important than in India. It has been invariably insisted upon of late years, with the approval of all competent judges in the Bengal Government Education Department, and the success which has attended its enforcement in Bengal has been remarkable.

Besides the potent practical reasons assigned in the Honourable Court's despatch for adherence to this rule, another argument has great weight with me. When public funds are spent in assisting education by improving the instruction given at schools whose pupils pay something for their tuition, the whole money is spent in advancing the education of those whose good education is most important in a national view. But this is not the case when public money is spent in supporting this or that charity school. It so happens, therefore, that I, in all humility, think the Honourable Court's order in this particular most wise and beneficial; but if I thought otherwise, I could not admit that it would be right to do anything but perfectly to obey it. It is remarkable that no reason for the proposed deviation from the rule laid down in the despatch has been assigned by the Bengal Government.

Instead of rule 5, as sent up from Bengal, I would pass some such rule as the following, which I have taken from the words of the despatch :

"It shall be a general principle, in determining questions of grants in aid, that, except in the case of normal schools, aid shall be given by Government only to such schools as require some fee, however small, from their scholars."

In replying to the honourable the Lieutenant-governor, I think he should be told that no exception should be made to this rule in the case of any school coming within the principle of the rule as laid down by the Honourable Court, and that the only case not coming within the principle, which at present occurs to the President in Council as likely to come into question, is the case of schools established for the education of uncivilized tribes.

The provisions of para. 55 of the despatch, though very important, are omitted in these proposed rules, and no reason for the omission is assigned. I would pass a rule somewhat in the following form, in order to ensure the attention of the local government, in practice, to this important part of the instructions of the Home Government : "The Bengal Government, in granting aid to schools will do so, in all possible cases, in the shape of a grant for a

specific object or objects, having always a due regard to the peculiar circumstances of the school, and of the district in which it is placed."

If these rules are altered as above suggested, I believe they will be in conformity with the instructions we are bound to obey, so far as those instructions go; and if so, as provisional rules, I see no objection to their being sanctioned by the Government of India.

25 May 1855.

(signed) *J. P. Grant.*

I ASSENT generally to these views, and I think it especially necessary that rule 5 shall be altered, so as to assert and maintain the general principle that grants in aid shall be made to such schools only, with the exception of normal schools, as require some fee, however small, from their scholars.

These Bengal rules must be considered to be provisional only, on their first introduction.

2 June 1855.

(signed) *J. Dorin.*

I CONCUR entirely with our honourable colleague, Mr. Grant's views and opinion, as expressed in his minute of the 25th ultimo.

5 June 1855.

(signed) *J. Low.*

I CONCUR in the opinions expressed by Mr. Grant. I think it would be advisable to state distinctly in the rules, that in making grants in aid the Government will act upon the principle of observing strict neutrality in regard to religion, see para. 57 of the Honourable Court's despatch, I observe that by rule 3 the examination is to have no reference to religious instruction. But I think this does not go far enough, and that perfect religious neutrality should be observed by Government in making grants in aid. I have made a few verbal suggestions in pencil in the margin of the rules.

*See remarks by
Honourable Court,
Despatch, Public
Department, No.
43 of 1855, para. 6.*

11 June 1855.

(signed) *B. Peacock.*

PROVISIONAL RULES for GRANTS in aid of EDUCATION in the Lower Provinces of the Presidency of Bengal, according to the despatch of the Honourable the Court of Directors, No. 49, dated the 19th July 1854.

1. THE local government at its discretion, and upon such conditions as may seem fit in each case (reference being had to the requirements of each district as compared with others, and to the funds at the disposal of Government), will grant aid in money, books, or otherwise, to any school in which a good secular education is given through the medium either of English or the vernacular tongue to males or females, or both, and which is under adequate local management.

2. In respect of any such school for which application for aid is made, full information must be supplied on the following points:

1. The pecuniary resources, permanent and temporary, on which the school depends for support.

2. The average annual expenditure on the school.

3. The average number of pupils instructed, the ages of the pupils, and the average duration of their attendance at the school.

4. The persons responsible for the management and permanence of the school, and the time for which they will continue to be responsible.

5. The nature and course of instruction imparted.

6. The number, names and salaries of the masters and mistresses, and subjects taught by each.

7. The books in use in the several classes of the school.

8. The

8th. The nature and amount of aid sought, and the purpose to which it is to be supplied.

3. Any school to which aid may be given shall be at all times, open to inspection and examination, together with all its accounts, books, and other records, by any officer appointed by the local Government for the purpose. Such inspection and examination shall have no reference to religious instruction, but only to secular education.

4. The Government will not in any manner interfere with the actual management of a school thus aided, but will seek, upon the frequent reports of its inspectors, to judge from results whether a good secular education is practically imparted or not. And it will withdraw its aid from any school which may be for any considerable period unfavourably reported upon in this respect.

5. In giving grants in aid, the Government will observe the following general principles. Grants in aid will be given to those schools only (with the exception of normal schools) at which some fee, however small, is required from the scholars; and wherever it is possible to do so, they will be appropriated to specific objects, according to the peculiar wants of each school and district.

6. No grant will in any case exceed in amount the sum expended on the institution from private sources, and the Government will always endeavour so to give its aid that the effect shall not be the substitution of public for private expenditure, but the increase and improvement of education.

7. It is to be distinctly understood that grants in aid will be awarded only on the principle of perfect religious neutrality, and that no preference will be given to any school on the ground that any particular religious doctrines are taught or not taught therein.

(No. 855.)

From *C. Bendon*, Esq., Secretary to the Government of India, to *W. Grey*, Esq., Secretary to the Government of *Bengal*, dated the 6th July 1855.

Sir,

I HAVE the honour, by direction of the Honourable the President in Council, Home Department
Education. to acknowledge the receipt of your letter, No. 166, dated 4th May last, forwarding for the approval of the Government of India a draft of rules for grants in aid of education under the Honourable Court's despatch, No. 49, dated the 19th July last. This draft has been carefully considered by his Honour in Council, and I am now directed to forward a set of rules founded thereon, but amended in several particulars, and now approved as provisional rules for immediate adoption.

2. The President in Council is desirous that the rules for grants in aid of education should as nearly as possible be the same for all parts of India, and it is for this reason, as well as for the sake of obtaining the result of actual experience in the Lower Provinces, that the rules are approved in the first instance as provisional rules under which the Honourable the Lieutenant-governor can commence operations at once, but which may be superseded hereafter by a code of more general application.

3. The President in Council has not felt himself at liberty to adopt any rules which are inconsistent with the instructions of the Honourable Court, and he is of opinion that although the Government of India is authorised to fill up the details of the scheme into which the Honourable Court have not entered, it is not authorised to omit or to contravene any rule which has been laid down in the despatch. The rules, therefore, have been altered so as to embrace all the points upon which definitive instructions have been given by the Honourable Court, and to be in strict conformity therewith.

4. An alteration has been made in Rule 4, making the stoppage of the grant depend not upon the management of the school generally, but upon the management of it in that particular branch with reference to which alone the aid is granted,

granted, that is to say, the branch of secular education. This was doubtless the intention of the rule as first framed, but it is important that this intention should be clearly and unmistakably expressed.

5. Rule 5, as proposed by the Honourable the Lieutenant-governor, appears to the President in Council to involve a wide departure from the instructions of the Honourable Court, and has been fundamentally altered. His Honour in Council apprehends that the Honourable Court, in laying down the general principle that grants should be given only to such schools as require some fee from their pupils, could not have intended to admit so wide a range of exceptions to that principle as the wording of the draft rule would have sanctioned. It appears to his Honour in Council that the principle is one which it is of importance to guard with the greatest strictness, and he can hardly conceive that in Bengal Proper, or in any civilised and populous district, an exception could be made without violating it in the sense in which it was laid down by the Honourable Court. The only case which at present occurs to the President in Council as likely to arise in the Lower Provinces, in which an exception to the general principle may properly be made is that of a school established for the instruction of wild and uncivilised tribes.

6. A clause also has been added to Rule 5, embracing the provisions contained in the 55th para. of the Honourable Court's despatch; and a rule has been added expressly declaring that grants in aid will be given only on the principle of strict religious neutrality.

Council Chamber,
6 July 1855.

I have, &c.
(signed) C. Beadon,
Secretary to the Government of India.

MINUTE by the Right Honourable the President, dated 5 March 1855.

In India, Public,
No. 67, 1855, v. 9.
No. 45.

THE Government of India, in a letter from its Secretary, Mr. Beadon, addressed to Sir Henry Montgomery, has forwarded to this Government copies of the letters which have been addressed to the Government of Bengal and the North-Western Provinces on the subject of education, and also a copy of the instructions given to the Committee appointed to prepare a scheme for the establishment of universities in the Presidency towns of Calcutta, Madras, and Bombay.

The Governor-General in Council, moreover, requests that this Government will favour the Committee with a list of the persons whom it is intended should form the senate of the future university, and with the views and opinions of the local Government in regard to the measures to be adopted for carrying out the Honourable Court's plan of an university in the Presidency of Madras.

It is, I consider, the duty of this Government to attend to this request immediately, and I propose that the subject mentioned should be taken into consideration on the next Council day.

The Secretary to the Government of India then goes on to state that he is directed to take this opportunity of acknowledging and of replying to Sir H. Montgomery's letter (No. 78), dated the 9th November last.

In this reply the proposal made by this Government respecting an educational staff is commented on, and as this Government did me the honour of adopting the suggestions on this subject which I made in my Minute of November 4th, 1854, I think it advisable that I should make some explanatory remarks on the views I entertained, having reference at the same time to the comments made, in the order in which they are found in Mr. Beadon's letter.

First, he writes, "In this letter the Government of Madras proposes, not as the permanent establishment, but only as the agency necessary for initiating their proceedings," &c. &c.

This Government certainly declared its opinion, that it was advisable to organise an educational department as an initiatory proceeding, because it felt the necessity for the assistance which would be required, if proceedings on this subject were to be carried on, on a comprehensive scale, as it was led to suppose would be the case from the tenor of the Honourable Court's despatch.

But, in making the requisition to the Government of India, I think I can safely affirm that it was supposed that the educational establishment which was

was proposed, would be fully sufficient to fulfil all the duties of the department efficiently, not only at once, but also for some years.

I regret that the establishment proposed should have appeared to the Governor-General in Council to be unduly extensive and unnecessarily costly, because I feel sure that there was no intention, on the part of this Government, to create any expenditure which might be avoided.

But, though I am quite ready to attempt to introduce the system on the reduced scale which has been laid down, I must be allowed at the same time, with great deference, to express my adherence to the opinion which I have already given.

The whole question must turn upon the comprehensiveness of the scheme which is to be adopted, and upon the degree of importance which is not only to be attached to the subject, but which is to be given to it as manifested to the eyes of the people of India.

I may have misapprehended the intentions of the Court of Directors, as expressed in their despatch, and have been led into this error by the views which I myself entertain on this subject.

I must confess to thinking, that when the Government has once resolved to take part in the direction of education, that no degree of importance which can be attached to the subject can be excessive, and that no amount of combined exertion to produce a successful result can be too great.

Holding these views, I proposed that there should be a secretary for education, on a footing equal to the financial secretary, because I was of opinion that thus a position in dignity not too high for the department, would be prominently accorded. It will not be denied that the officer selected to conduct the duties which must devolve upon this department should be highly efficient; and it must be remembered, that the person selected must resign the department to which he has been previously attached, and in which he will probably have looked forward to high appointments; and that in undertaking the direction of the educational branch, he renders himself liable to be arrested in his career, and to be passed over for the higher appointments which exist in other departments.

Again, the Honourable Court has permitted the appointment of an inspector of prisons, at a salary of 2,500 rupees per mensem, with travelling expenses in addition. Now, however important this office may be, it surely cannot equal, by many degrees, that of the director of education. I recommended the appointment of an assistant secretary, because I believe that the labours of the office, if properly conducted, would be too great for the powers of any one man.

I would here mention, that in considering the administrative working of this Government, nothing has struck me as requiring change and alleviation more than the excessive labour which is heaped upon the heads of departments; their whole time is occupied in the routine duties of their offices, and when I say their whole time, I mean from early morning till late night, with very little relaxation.

Such fatigue is not only prejudicial to the gentlemen concerned, but it is disadvantageous to the public interest, because they must be prevented from making themselves acquainted with many of the modifications and improvements which are yearly made in the numerous branches of political science.

Now, if there be one more than another of the heads of departments who should have leisure time at his command, it is the director of education, inasmuch as he must necessarily require to acquaint himself with the systems which have been adopted, the changes which are being made, and the experiments which are being tried on the subject in all parts of the world.

It is stated, moreover, in Mr. Beadon's letter, "Having regard also to the limited number of schools in the Presidency of Madras, as the number of inspectors proposed seems to the Governor-General in Council excessive," &c.

The proposal which I made, and which was adopted by this Government, was, that there should be six inspectors, and this number certainly did not appear to me excessive.

I was aware that this Presidency was considered greatly in arrear in its educational efforts, in comparison with the other Presidencies, but I was of opinion, that consequently greater exertions were required to make the system at once as general as possible.

The Honourable Court, in their despatch, express themselves as desirous that every district in India should be subject to constant and careful inspection, and

they manifest a wish to encourage the primary, or, as they are termed, indigenous schools throughout the country.

I believe this to be a wise course, not only in an educational view, as bringing the whole mass of the rising generation under instruction, but as politically expedient; inasmuch as if the measures of the Government are concerted for the good of the people, there will be less probability of their being thwarted by misrepresentation, to which they more especially, a government of foreigners, are liable in case of only a small portion of the population being educated.

Though the number of schools in this Presidency may not be as large as elsewhere, yet it is sufficiently large to occupy much time and care, and it did appear to me advisable that, considering the high expectations which have been generally aroused by the Honourable Court's despatch, and considering also the advantage of possessing such knowledge, the Government should at once acquire full information respecting the state of the schools throughout the country, in order that it might in as short a time as possible be able to declare the basis on which it would commence in its own operations, and also be prepared to make grants in aid.

At present we have little or no information respecting the state of the missionary, or of the primary or indigenous schools: the Government must depend entirely on the reports of its inspectors as to those which may be worthy of receiving assistance.

The number of schools in this Presidency at present, shown by the returns made by the University Board, are—

To these are to be added many schools in Madras and in 14 collectorates.	Government schools	-	-	-	-	7
	Private, English and Vernacular	-	-	-	-	14
	Missionary	-	-	-	-	1,185 (from another return).
	Primary or indigenous	-	-	-	-	4,507

In eight collectorates ;

The returns from the other 14 having been incorrect, or not sent in.

Now the number of inspectors in England, Wales, and Scotland,

In the year 1852, was - - - - - 18

With assistants - - - - - 9

The number of schools inspected - - - - - 3,166

The schools in India would, doubtless, not require as much time to be given to them at first as those in England; but, seeing that Government assistance to education is nearly at a minimum there, I felt that six inspectors was hardly too much for a country with an area three times as large, with a population equally numerous, and with the difficulty of having five different languages in ordinary use.

It appeared to me that the Northern Circars might well occupy an inspector.

That Bellary, Cuddapah, Kurnool, and Nellore, might take another.

Madras, Chingleput, and North Arcot, a third.

South Arcot, Salem, Tanjore, Trichinopoly, and Coimbatore, a fourth.

Madura, Tinnevely, and Travancore,* a fifth.

Malabar and Canara, to which might be added Mysore, a sixth.

I have deemed it advisable to make explanation, in order to show that the requisition which was made on the Government of India was not forwarded without some grounds to support it, though it may have been based on a misapprehension of the intentions of the Honourable Court.

In the letters from the Government of India to the Government of Bengal and of the North-Western Provinces, directions are first given respecting the formation of the educational department, which will, of course, be followed by this Government.

2d. The subject of the universities is treated of, on which it appears there must be some delay.

3d. The course to be pursued in making the grant in aid is propounded.

The most important point for this Government to take into consideration on this part of the question is to determine what proposal should be made to the Government of India respecting the amount of funds which are to be placed at its disposal for this purpose.

The

* This country would probably gladly avail itself of the use of an inspector.

The Government of India authorises the Government of Bengal, and of the North-Western Provinces, to expend a sum equal to five per cent. on the annual educational expenditure.

In this Presidency the sum of 50,000 rupees has been sanctioned as the annual expenditure on education. It has been also suggested that the interest of the education fund should be added; but no sanction has been received, and the funds themselves will shortly be expended on educational buildings.

So that the sum which this Government would have to expend on grants in aid, according to the principle laid down, amounts only to 2,500 rupees.

I am of opinion that it would not be advisable for this Government to attempt to commence proceedings on so small a fund, as it is quite certain that the demands which will be made upon it will be greatly in excess (the only training school in the Presidency having requested an advance of 5,000 rupees to save it from dissolution).

I think, therefore, inquiry must first be made as to the amount which will be sanctioned for the general expenditure on education, in order that this Government may know what degree of encouragement it can hold out to applicants for grants in aid.

Mr. Beadon's letter does not refer specially to the application of this Government for the allowances requested for compilation, translation, &c., of school books, &c. I must therefore infer that the views of this Government are in this, and in other respects, considered unduly extensive, and unnecessarily costly.

On this subject I was obliged to trust to the experience and judgment of others, and I believe the proposal made was considered no more than adequate to provide efficient persons to fulfil the very difficult task of furnishing school books in five different languages.

Guindy, 5 March 1855.

(signed) *Harris.*

(True copy.)
(signed) *T. Pycroft, Chief Secretary.*

EXTRACT from the Proceedings of the Honourable the President of the Council of India, in Council, in the Home Department (Education), under date the 27th July 1855.

No. 29.

No. 50.

From *T. Pycroft, Esq.*, Chief Secretary to the Government of Fort St. George, to *Cecil Beadon, Esq.*, Secretary to the Government of India; dated 8 June 1855.

Sir,

IN acknowledging the receipt of your letter of the 11th ultimo, No. 660, I am directed by the Right Honourable the Governor in Council to transmit for the approval of the Government of India the enclosed draft of a notification which it is proposed to issue, setting forth the rules and conditions under which grants in aid of schools already established, or proposed to be established, by private individuals will be made by the Government of this Presidency. The Governor in Council has deemed it expedient to defer laying down any fixed rules for grants in aid of scholarships, and of stipends for normal students, until the inquiries of the inspectors shall have furnished him with better data than he at present possesses for deciding as to the principles upon which grants for such purposes may be most judiciously regulated.

2. I am directed to state that the detailed statements of establishments referred to in the 4th para. of your letter, now under reply, will form the subject of a future communication, after the return of the director of public instruction, who is about to visit Calcutta for the purpose of visiting the educational establishments in that city, and making himself acquainted with the system of Government education in Bengal.

Fort St. George,
8 June 1855.

I have, &c.
(signed) *T. Pycroft, Chief Secretary.*

DRAFT of Educational Notification.

No. 30.
Enclosure.

WITH reference to Paras. 51 and 62 of the Honourable Court of Directors Educational Despatch to the Government of India, dated the 19th July 1854, the director of public instruction gives notice that he is prepared to receive applications for grants in aid of schools, either already established, or proposed to be established by private subscriptions or endowments.

2. These grants will be made with a special view to the extension and improvement of the secular education of the people, and will be given impartially to all schools, whether male or female, Anglo-vernacular or vernacular, (so far as the requirements of each particular district, as compared with others, and the funds at the disposal of Government, may render it desirable) which impart a sound education, and the managers of which may consent to submit to the conditions mentioned below. It will be essential to the consideration of applications for aid, that the schools on behalf of which they are preferred should be under the management of one or more persons, who, in the capacity of proprietors, patrons, trustees, or members of a committee elected by the society or association, by which the school may have been founded, will be prepared to undertake the general superintendence of the school, and to be answerable for its permanence for some given time.

3. No grants will exceed the amount of funds raised from local or other sources for the purposes for which the grants are sought; and, as a general principle, except in the case of normal schools for training teachers, grants will be made only for specific purposes, and not in the form of simple contributions in aid of the general expenses of a school.

4. Except in the case of normal schools for training teachers, grants will be restricted to those schools in which some fee, however small, is exacted from the scholars.

5. All applications for grants must be accompanied by a declaration, that the applicants are prepared to subject the school, on behalf of which the application is made, to the inspection of a Government inspector, and to conform to the conditions hereunder specified for the regulation of such grants; and no grant will be made until it shall have been ascertained from the report of an inspector—

1st. That the case is deserving of assistance.

2d. That the grant applied for will not supersede the efforts of associations or individuals.

6. The following are the specific objects for which grants will be given :—

1st. The erection, enlargement, or repair of school buildings.

2d. The provision of school furniture.

3d. The augmentation of the salaries of the teachers, or provision of additional teachers.

4th. The provision of stipends for pupil teachers, and of gratuities to teachers who undertake to instruct them.

5th. The provision of school books, maps, and school apparatus, at reduced prices, according to the circumstances of the case.

7. The following are the conditions upon which grants will be made for the objects above specified :—

1st. It will be a condition of all grants towards the erection, enlargements, or repair of school buildings, that such rules as shall be laid down in regard to the dimensions and arrangements of the school buildings with reference to the number of scholars they are designed to accommodate, shall be duly observed, and that the permanent assignment of the buildings for school purposes shall be adequately secured.

2d. Applications for grants for the provision of school furniture must be accompanied by a declaration on the part of the applicants, that they will be

be personally responsible for the due preservation of the furniture of the school, and for its being reserved for the purposes for which it is supplied.

3d. Application for grants in augmentation of the salaries of teachers, or for providing additional teachers, like other applications for aid, will be referred to a Government inspector for report on the merits of the school and qualifications of the teachers, and their continuance will depend upon the periodical reports of the inspector on the merits and proficiency of the teachers, as ascertained at his periodical examinations of the school.

4th. Grants for the payment of stipends to pupil teachers will be made only to those schools in regard to which the inspector may report that the master is competent to instruct such pupil teachers; and the continuance of such stipends, as well as the amount of gratuities to be assigned to the masters for the instruction of the pupil teachers, will depend upon the proficiency of the latter.

5th. Grants of school books, maps, or apparatus at reduced prices will be accompanied by the condition that the books shall be appropriated *bond fide* to the use of the masters and scholars, and that due means shall be taken for their preservation.

8. Grants will also be given in aid of scholarships and of stipends for normal students, the rules for which will be notified hereafter.

9. No payments will be made by Government until the proportion of funds which, under the conditions of the grant, is to be contributed from local or other sources shall have been actually paid.

REVISED RULES AND CONDITIONS.

NOTIFICATION.

1. WITH reference to paras. 51 to 62 of the Honourable Court of Directors' Educational Despatch to the Government of India, dated the 19th July 1854, the Director of Public Instruction gives notice that he is prepared to receive applications for grants in aid of schools either already established, or proposed to be established, by private subscriptions or endowments.

No. 31.

2. These grants will be made with a special view to the extension and improvement of the secular education of the people, and will be given impartially to all schools, whether male or female, Anglo-vernacular or vernacular (so far as the requirements of each particular district, as compared with others, and the funds at the disposal of Government, may render it desirable), which impart a sound secular education, and the managers of which may consent to submit to the conditions mentioned below. It will be essential to the consideration of applications for aid, that the schools on behalf of which they are preferred should be under the management of one or more persons who, in the capacity of proprietors, patrons, trustees, or members of a committee elected by the society or association by which the school may have been founded, will be prepared to undertake the general superintendence of the school, and to be answerable for its permanence for some given time.

3. No grants will exceed the amount of funds raised from local or other sources for the purposes for which the grant is sought; and, as a general principle, except in the case of normal schools for training teachers, grants will be made only for specific purposes, and not in the form of simple contributions in aid of the general expenses of a school.

4. Except in the case of normal schools for training teachers, grants will be restricted to those schools in which some fee, however small, is exacted from the scholars.

5. All applications for grants must be accompanied by a declaration that the applicants are prepared to subject the school, on behalf of which the application is made, to the inspection of a Government inspector, such inspection and examination having no reference to religious instruction, but only to secular education. The applicants must further declare their willingness to conform

to the conditions hereunder specified for the regulation of such grants, and no grant will be made until it shall have been ascertained from the report of an inspector—

1st. That the case is deserving of assistance.

2d. That the grant applied for will not supersede the efforts of associations or individuals.

6. The following are the specific objects for which grants will be given :—

1st. The erection, enlargement, or repair of school buildings.

2d. The provision of school furniture.

3d. The augmentation of the salaries of the teachers, or provision of additional teachers.

4th. The provision of stipends for pupil teachers, and of gratuities to teachers who undertake to instruct them.

5th. The provision of school books, maps, and school apparatus at reduced prices, according to the circumstances of the case.

7. The following are the conditions upon which grants will be made for the objects above specified :—

1st. It will be a condition of all grants towards the erection, enlargement, or repair of school buildings, that such rules as shall be laid down in regard to the dimensions and arrangements of the school buildings, with reference to the number of scholars they are designed to accommodate, shall be duly observed, and that the permanent assignment of the buildings for school purposes shall be adequately secured.

2d. Applications for grants for the provision of school furniture must be accompanied by a declaration on the part of the applicants that they will be personally responsible for the due preservation of the furniture of the school, and for its being reserved for the purposes for which it is supplied.

3d. Application for grants in augmentation of the salaries of teachers, or for providing additional teachers, like other applications for aid, will be referred to a Government inspector for report on the merits of the school and qualifications of the teachers, and their continuance will depend upon the periodical reports of the inspector on the merits and proficiency of the teachers as ascertained at his periodical examinations of the school.

4th. Grants for the payment of stipends to pupil teachers will be made only to those schools in regard to which the inspector may report that the master is competent to instruct such pupil teachers; and the continuance of such stipends, as well as the amount of gratuities to be assigned to the masters for the instruction of the pupil teachers, will depend upon the proficiency of the latter.

5th. Grants of school books, maps, or apparatus at reduced prices will be accompanied by the condition that the books shall be appropriated *bona fide* to the use of the masters and scholars, and that due means shall be taken for their preservation.

8. Grants will also be given in aid of scholarships and of stipends for normal students, the rules for which will be notified hereafter.

9. No payments will be made by Government until the proportion of funds which, under the conditions of the grant, is to be contributed from local or other sources, shall have been actually paid.

10. It is to be distinctly understood that grants in aid will be awarded only on the principle of perfect religious neutrality, and that no preference will be given to any school on the ground that any particular religious doctrines are taught or not taught therein.

(signed) C. Beadon,
Secretary to the Government of India.

MINUTE by the Right Honourable the Governor-General, concurred in by his Excellency the Commander-in-Chief, dated the 3 June 1856.

In India, Public,
No. 36, 1856.
Home Cons. 25th
July 1856, No. 75.

IN this letter* from the Secretary of the Government of Bengal the Lieutenant-governor asks for further instructions from the Supreme Government before proceeding to the purchase of the ground indicated in their letter of Sept. 14th, 1855, as the site of the Presidency College.

Presidency Col-
lege.
* No. 951, 2d
April 1856.

That letter authorised the Lieutenant-governor to make the purchase and to clear the ground forthwith. But this has not been done, because, as explained by his Honor, a doubt has been raised by the Director of Public Instruction whether a Presidency college will ever be needed, and because, in the opinion of the Lieutenant-governor himself, unless it can be established that a college can be built at a more reasonable cost than 20 lacs of rupees, the sum named by Colonel Goodwyn, no steps ought to be taken towards purchasing the ground.

It does not appear to me that any further delay need take place for either reason.

I cordially agree in the objections felt by his Honor and by the Director of Public Instruction to an expenditure of 20,00,000 rupees upon the edifice of the college. I believe that such an expenditure, having regard to the educational wants of the country and to the means of the Government towards supplying those wants, would be little better than a wicked waste. But I also believe that any outlay approaching to that sum is utterly unnecessary, so much so that I should be as little disposed to countenance it if the Treasury were overflowing, as I am at the present moment.

If the present Medical College Hospital, with the ground upon which it stands, cost no more than 2½ lacs, and if the price was enhanced by the accident, against which care may secure any future building, of a bad foundation, I feel perfectly confident that, after a site for the college shall have been provided, a very small excess over that sum ought to supply all that will be wanted in the way of building for some years to come.

I say for some years, because, in the circumstances in which we are placed, I earnestly deprecate the attempt to conceive and plan a perfect, self-contained integral building; calculated to meet all the requirements of college and university now and for ever.

There is much that is plausible and attractive on a professedly complete plan, and there is something of slovenliness and makeshift in one which is not so. But in order to construct with one intention a large edifice suited to divers purposes, and to make sure that it shall serve its purposes when all is done, it is necessary to know accurately what and how many those purposes will be.

I believe that this knowledge is not in our possession, and I greatly doubt whether it is at present attainable.

It is certain that rooms will be wanted for lectures, libraries, museums, laboratories, and sundry other uses. It is certain that, whatever the number may be, they should be spacious, airy, and commodious. But how many teachers will find employment in them is very imperfectly known. It is scarcely determined into how many branches the instruction to be given shall be divided; whilst it is probable that, as in the English universities and colleges, old and new, the same lecture-room and theatre may be used for many purposes, and that by a judicious arrangement of hours and courses very various work may be conveniently done within the same four walls.

I see it assumed that the chief officers of the college are to be lodged in the building. I hope not. The expense thereby incurred would be very great, and the advantage I venture to think very questionable.

I find it stated by the chief engineer that the college, as now ordered, comprises an anatomical building nearly as large as the present Medical College Hospital; and on the plan of the ground proposed for purchase such a building is projected upon the site of the present medical college. I do not see that this scheme has received the sanction of the Government of India; and I earnestly recommend that no such sanction be given until it shall have been shown that the requirements of Calcutta in respect of a museum and school of anatomy are fourfold greater than those of London or Edinburgh.

It appears to me that in seeking to determine what accommodation shall be provided for the college in the first instance, the aim should be, not to calculate how many rooms each professor and his classes can occupy, and, adding these together, to call upon the architect to provide enough for all, but rather to ascertain how few rooms will suffice for an undeveloped institution which is feeling its way amongst a people whose tastes and tendencies in the higher branches of education are as yet imperfectly proved.

It will be said perhaps that this mode of proceeding, whatever present advantage it may have, entails patchwork construction, and consequently a want of architectural unity.

I do not admit it. There is no inseparable difficulty in so designing the parts which may be first constructed that those which follow shall be easily adapted to them in style, proportions, and external plan. Nor if the style be, as unquestionably it ought to be, simple, need the primary building be, by reason of its incompleteness, unsightly.

The Banqueting House at Whitehall, though a small fraction of a gigantic design, is none the less the handsomest and most faultless structure in London; and Somerset House, though begun in 1775, and not finished until 1855, was certainly no eyesore during the years which intervened.

It is, however, essential to this view, not only that the site should be well chosen, but that the space secured in the first instance should be so ample as to put any apprehension of the scheme being cramped in its completion out of the question. If this be done, I see no danger whatever in beginning upon a plan which shall confessedly leave much regarding the arrangement and extent of such parts of the whole as are not immediately required to future decision. On the contrary, in the circumstances in which we are placed, it appears to me to be the only prudent course.

The condition, however, of an ample space, and even of an unencumbered margin, is indispensable; and I submit that it should be secured at once, even at a large cost. I do so with less reluctance, because I believe that no Government ever yet repented of the acquisition of land within its own capital. And, whatever may be the ultimate fate of the Presidency College, I prophesy confidently that the possession of such an area as is described in the chief engineer's plan will never prove a very bad investment to the Government of India.

In regard to the anticipation of the Director of Public Instruction that the need of a Government College in Calcutta for purposes of general education may have passed away by the time when the edifice is approaching completion, I will only say that in the course of my inquiries and short experience, I have met with nothing which leads me to so sanguine a hope.

It appears to me most improbable that the missionary or other private establishments should be able to command, or should seek to command, such an amount and variety of teaching ability as the Government can without difficulty bring to its aid; and even should they succeed in doing so, there will always be many amongst the natives of the higher class to whom an education in a missionary school will not be acceptable.

I submit, then, that the Supreme Government should not be deterred from requesting the Lieutenant-governor of Bengal to act upon their former intention by completing the purchase of the ground in question; and I propose that the larger space, valued at 6 $\frac{1}{2}$ lacs, be taken, if it can be obtained for that sum.

In regard to the plan of the building, it does not appear from the letter of the Government of Bengal what progress had been made towards ascertaining from the officers of the education department the amount of accommodation required.

It is desirable that the Supreme Government should be in possession of the report of those officers with as little delay as possible, and before any proceedings in the Department of Public Works are founded upon it.

3 June 1856.

(signed) *Canning.*

I cordially agree in the view taken of this question by the Governor-General.

3 June 1856.

(signed) *George Anson.*

MINUTE by the Honourable *J. A. Dorin*, dated 7th June 1856.

Home Cons.
25 July 1856,
No. 76.
Presidency Col-
lege, and the pur-
chase of a site
for it.

I CANNOT think that the Government will be prudent in laying out 6½ lacs of rupees, or rather, I should say, nearly 10 lacs of rupees,* in the purchase of land, until it knows with tolerable accuracy what will be the further cost of the buildings proposed to be erected on it, and thus be able to form some judgment of the total outlay of which this heavy instalment is only a beginning.

I should be sorry to allow this preliminary purchase of land to be an argument for incurring further expenditure, in order to justify the original bargain.

The price seems to me enormous, and I do not believe it could be obtained from any purchaser but the Government; from its position, the land will be nearly useless to the Government, excepting for a college, and I have never thought it a very good situation even for that purpose; but however this may be, I know of no reason for supposing that a little delay in buying will have any effect in enhancing the price of the ground.

I strongly recommend that this purchase be not made till the Government sees its way in advance somewhat more clearly than at present.

There is no need of hurry, and a few months at furthest should put us in possession of all the information requisite for deciding on a complete project of works.

The Honourable the Court of Directors have expressed only a qualified willingness to sanction the erection of a suitable edifice for a Presidency college, at a cost of eight lacs of rupees; whether they considered this to include the price of the land on which the building was to be situated is not clear, but admitting that they did not do so, I can readily imagine they will be as startled as I am myself at finding that† the enormous outlay of 6½ lacs of rupees is estimated to be necessary for the acquisition of a site before a single brick of the new edifice can be laid.

I question whether the Government of India is at liberty to incur this heavy additional outlay without the previous sanction of the Honourable Court.

But I make these remarks in a spirit of precaution only, for in every other respect I assent entirely to the argument of the Right honourable the Governor-General.

7 June 1856.

(signed) *J. Dorin*.

MINUTE by the Honourable *J. P. Grant*.

Home Cons.
25 July 1856,
No. 77.
Presidency Col-
lege.

1. I ENTIRELY agree with the Right Honourable the Governor-General in objecting decidedly to any proposal for the expenditure of 20 lacs of rupees, or anything approaching to that sum, upon the edifice of the Presidency College; and in believing that any outlay approaching to that sum is utterly unnecessary. I had some little share in the consultations, in consequence of which the scale of accommodation proposed in the plan of an edifice which was sent home to the Honourable Court in 1854 was fixed. The estimated cost of an edifice upon that plan, which provided for due architectural effect, was little more than eight lacs,‡ and a part of that sum might be set off fairly by the saving of house-rent now paid to two principals, both of whom would by that plan be provided with house-room. I am quite satisfied that within this outlay, however the accommodation may be arranged, sufficient accommodation for all the real wants of the college, including a hall and an office-room for the senate of the University, may be provided.

2. I cannot

• Prime cost of land - - - - -	6½ lacs.
Add 50 per cent. estimated for law and arbitration charges - -	3¼ "
	9¾ lacs.

† It appears, too, that 50 per cent. was to be added to this sum for law and arbitration charges. See letter of Director of Public Instruction, dated 17th March 1856, so that the prime cost of the land will amount to nearly 10 lacs of rupees.

2. I cannot think the objections now raised by the Director of Public Instruction to the scheme of a Presidency College otherwise than very much out of time and place. That scheme was not an immature and hasty project. It was carefully discussed and deliberately recommended by the late Council of Education, whose long-considered and unanimous opinion would not be less worthy of attention than that of Mr. Young, even if it stood alone. But having been backed by the cordial support of successive Governments of Bengal and India; having met with the unqualified approval of the Home Government, who have ordered its institution; and having been now, under such auspices, actually instituted, it seems to me that the Presidency College ought not to stand still because of the doubts of an individual educationist.

3. The notion that private enterprise and charity in India will shortly be able to establish at the capital such an institution as the London University, after having filled to overflowing all those channels in the provinces through which, by humbler but most useful means, the educational wants of a hundred millions of people must be supplied, is surely a baseless imagination. As if in mockery of such dreams, the very box which brought round Mr. Young's prognostication on this point, contained another despatch from the same gentleman, with the earnest solicitation of the committee of a little and very cheap School of Arts, established a year or two ago in Calcutta, that Government would be pleased to adopt and take entirely over to itself this useful little establishment, because, although it had not been unsuccessful in its object, and was largely assisted by a grant in aid from the State, its means from private enterprise and charity were already dwindling away.

4. I wish Mr. Young, instead of himself obstructing the progress of the college by the needless questioning of a measure that has been determined upon by authority higher than any in India, had in the exercise of his own proper functions prevented the obstruction which with different motives has been caused by the absurdly extravagant demands for space which have been made and attended to. Who authorised Colonel Goodwyn to waste his own time and the time of his establishment in making detailed plans and estimates for an edifice called an anatomical department, considerably larger than the college hospital; and for another edifice upon an immense scale, to be called a chemical department? As the Governor-General has stated, no such buildings were ever authorised by the Government of India, and no such extravagances were ever contemplated by this Government. The eight lacs plan provided ample room for a medical museum and a chemical laboratory. It provided also ample space for a geological museum and a library; a great hall, theatres, and class-rooms; professors' private rooms, and apartments for the resident medical pupils; upon what Dr. Mouat, who knows more of the wants both of the medical and general branches of the college than any one else is likely to know, believed to be a most liberal estimate.

5. It is strange to find Mr. Young, after the plan has been blown out from eight to 20 lacs, mainly by accepting the extravagant claims of the medical college branch for space, using the cost of such extravagant provision as an argument, not for reducing the provision within reasonable limits, to do which was in his peculiar province, but for building no college at all; whilst in the very same letter he tells us that it is the general opinion of the medical professors that a lac of rupees, or thereabouts, would improve and enlarge the buildings of the old medical college, so as to suffice for all probable requirements for several years to come. What those buildings are, and how much money has already been wasted in patching them, we all know.

6. Considering the erection of a new edifice for both the general and medical branches of the Presidency College, at least of one not to cost more than about the sum of eight lacs of rupees, besides what may be required for the accommodation of the new senate, as a measure already approved by the Honourable Court; provided the plan proceeds from the Department of Public Works, and the necessary accommodation cannot be afforded at a less cost, with a due regard to architectural effect; and feeling no doubt of the wisdom of the measure, I do not see why the ground for such an edifice to stand on should not be immediately purchased. I do not read the despatch of the Honourable Court, dated the 16th of May 1855, as expressing only a qualified willingness to erect an
edifice

edifice at the cost of eight lacs of rupees for the Presidency College. I read that despatch as expressing positively the Honourable Court's willingness to incur that expense for that object, "should it be eventually found necessary to incur the whole of the contemplated expense," after taking certain precautions which they prescribe for securing the execution of the work "upon the best plan procurable, in the most substantial manner, and at the same time at the lowest cost consistent with those conditions, and with a due regard to architectural effect." We have long ago requested the precautions prescribed by the Honourable Court to be taken, by referring the plans to the proper department under the Bengal Government. On looking at our secretary's letter, wherein that reference was made,* I observe passages which may have encouraged the officers of the Bengal Government to the undue expansion of the plan, when, as is evident, they required no urging in that direction. But all that is necessary is to correct this tendency by our present orders, in the spirit of the Governor-General's Minute. Acting in that spirit, I have not a shadow of doubt of the sufficiency of eight lacs of rupees for all present purposes; and therefore I see no reason for delaying the purchase of ground, which it will be necessary to have whatever plan be adopted here, and finally approved at home. The ground is rising in value every day, and the operation of purchasing and clearing is tedious, and less costly the less it is hurried.

* See in Desp.
P. W. to Bengal,
14 Sept. 1853.

7. My honourable colleague, Mr. Doſin, does not feel quite sure that the sum of eight lacs did not include the value of the ground. A reference to the papers shows that it did not. The estimate submitted to the Honourable Court professed to be, and was an estimate for the cost of the building only. Therefore the willingness of the Honourable Court to sanction, if necessary, so much for the building, involves of course their approval of appropriating a reasonable space of ground whereon to place it.

8. I think the position of the college hospital fixes the college to its close neighbourhood. The present straggling buildings of the Medical College are close to the hospital on one side; but even supposing the ground they occupy to be large enough for the Presidency College, which I believe is not the case, we cannot do without them whilst the new edifice is building. I do not, therefore, see that there is any choice of ground.

9. I am of opinion, however, that much less ground than is proposed will suffice for the present purpose. It is proposed to place the college in the centre of a cleared block, which is to cost five lacs of rupees, whereby its nearest point would be 190 yards removed from the hospital; too far, I think, for convenience. By moving it 80 or 90 yards to the south, nearer the hospital, and placing it immediately to the north of Colootollah-street, the relative positions of the two buildings would be more convenient; and two-fifths or so of the large space to be purchased might be left unpurchased if not wanted for other purposes. In this, or in any other case, it will be necessary to clear the land between Colootalloh-street and the hospital of a bazar, which shuts that building closely in on the north. The value of this land, I understand, is estimated at half a lac of rupees; but its clearance would be indispensable for the sake of the ventilation of the hospital even if it was not necessary for that of the college.

10. I altogether disregard what Mr. Young says of the cost of the legal proceedings being half the cost of the land. The Government law officers do such business for their salaries; and were it otherwise, it seems clearly unreasonable to assume that, because some little purchase of the Municipal Commissioners for 1,000 rupees or so has involved a lawyer's bill of 500 rupees, transactions of lacs of rupees will involve the same per-centage of law charges.

11. In all that the Right Honourable the Governor-General says of the wisdom of a Government acquiring ample space of land in its capital, even at large cost, I must fully concur. The purchase of land is not expenditure; it is but the exchange of one species of valuable property for another. The general wisdom of a Government acquiring ample blocks of land in such circumstances, is tested by supposing the converse of the process. When was this, or any other Government, willing to sell land it happened to possess around its great public buildings in its capital, whatever sum of money might have been obtainable for it? What no Government would choose to sell at any fancy price that ever was offered,

it is surely wise in any solvent Government to buy at the common market price, before that price has been raised by improvements in the neighbourhood.

12. I would remark on the question of providing house room for the principals within the walls, that as there are resident students in the medical branch of the college, it has been found by experience indispensable for the head of that branch to reside in the close proximity of the college.

17 June 1856.

(signed) *J. P. Grant*

Home Cons., 25
July 1856, No. 78.

MINUTE by the Honourable *B. Peacock*.

Presidency College.

I CONCUR with the Right Honourable the Governor-General.

20 June 1856.

(signed) *B. Peacock*.

In F. S. G. Public
Letter (No. 20),
1855.

EXTRACT, Fort St. George, Public, Diary to Consultation of 14th November 1854.

Received the following:

MINUTE by the Right Honourable the President, dated 4th November 1844.

By the tenor of the despatch, No. 44, I gather that the first point on the subject of education of which it treats, which this Government has at once to consider, is, that of laying before the Government of India a proposal for organising an education department "preparatory to the introduction of the changes and improvements which have been directed by the Honourable Court.

The despatch on the general education of India gives full scope to the most extensive operations on this most important topic; and authorises the promotion of education universally from the smallest village to the largest towns, and from amongst the wildest and least civilized classes of the population, to those who are the most cultivated.

To organise a general scheme of this nature adapted to the wants, the habits, and customs of this Presidency, and also with reference to the advances already made on this subject, must require some time in order that the information which will be required before any system can be laid down, may be collected. It is therefore of primary importance that the Government should be authorised to employ, as soon as possible, such agents as they may consider necessary for initiating their proceedings.

In paragraph 21 of the despatch to the Government of India, the Honourable Court lay down a very important principle, which I am of opinion should be fully adhered to. "We desire, * * * and that in any case the scale of their remuneration shall be so fixed as publicly to recognise the important duties they will have to perform."

The office which must first be filled up is that of secretary of the Education Department; and I think it should be placed on an equal footing, both as to position and salary, with the Judicial and Revenue Departments.

I am, moreover, of opinion that both these departments require an assistant secretary; and therefore I should at once propose one for that now under consideration.

In addition, it would be necessary to appoint some inspectors, who should, as soon as possible, travel over the country and report on the state of the schools in actual existence.

Six of these would probably be sufficient at first.

I cannot pretend to give any decided opinion about their salaries; but I should think 1,000 or 1,200 rupees a month, and a certain allowance for travelling expenses, would be a fair recompense for able and superior men.

Further, I think the Government would require full authority to organise at once, upon good salaries, a committee for the purpose of compiling, constructing, and translating school books, both in English and in the vernaculars.

With this machinery settled and conceded, the Government would be in a position to form a general system on which it might be prepared to act, should it meet with the concurrence of the Government of India.

I propose,

I propose, therefore, that the sanction of the Government of India should at once be requested for—

	Rs.	a.	p.
One secretary for Education Department, at - -	3,333	5	4
One assistant secretary - ditto, at - -	1,350	-	-
Six inspectors, at - - - - -	1,200	-	-
an allowance for travelling.			
A Board or Committee for school books, &c., at -----			

(signed) *Harris.*

MINUTE by the Honourable *J. F. Thomas*, Esq.

I CONCUR. I think it highly desirable that this Government should have authority conceded to it at once, for the employment of the agency proposed by the President. This agency, although it may not be obtainable immediately, will be necessary within a limited period, to give effect to the Honourable Court's despatch; and it cannot be too early put into operation. It is obvious that the general education of the people will become daily of more importance, in proportion as railroads and other public works, which shall develop and add to the material well-being of the people, are carried forward.

6 November 1854.

(signed) *J. F. Thomas.*

MINUTE by the Right Honourable the President.

THE Government of India, in a letter from its secretary, Mr. Beadon, addressed to Sir Henry Montgomery, has forwarded this Government copies of the letters which have been addressed to the Government of Bengal, and of the North Western Provinces, on the subject of education; and also a copy of the instructions given to the committee appointed to prepare a scheme for the establishment of universities in the Presidency towns of Calcutta, Madras, and Bombay.

The Governor-General in Council, moreover, requests that this Government will favour the committee with a list of the persons whom it is intended should form the senate of the future university, and with the views and opinions of the local Government in regard to the measures to be adopted for carrying out the Honourable Court's plan of an university in the Presidency of Madras.

It is, I consider, the duty of this Government to attend to this request immediately, and I propose that the subject mentioned should be taken into consideration on the next Council day.

The secretary to the Government of India then goes on to state that he is directed to take this opportunity of acknowledging, and of replying to Sir H Montgomery's letter, No. 78, dated the 9th November last.

In this reply the proposal made by this Government respecting an educational staff is commented on, and as this Government did me the honour of adopting the suggestions on this subject which I made in my Minute of 4th November 1854, I think it advisable that I should make some explanatory remarks on the views I entertained, having reference at the same time to the comments made, in the order in which they are found in Mr. Beadon's letter.

First, he writes, "In this letter the Government of Madras proposes, not as the permanent establishment, but only as the agency necessary for initiating their proceedings, &c. &c."

This Government certainly declared its opinion, that it was advisable to organise an educational department as an initiatory proceeding, because it felt the necessity for the assistance which would be required, if proceedings on the subject were to be carried on on a comprehensive scale, as it was led to suppose would be the case from the tenor of the Honourable Court's despatch.

But in making the requisition to the Government of India, I think I can safely affirm, that it was supposed that the educational establishment which was proposed would be fully sufficient to fulfil all the duties of the department efficiently, not only at once, but also for some years.

I regret that the establishment proposed should have appeared to the Governor-General in Council to be unduly extensive and unnecessarily costly, because

because I feel sure that there was no intention on the part of this Government to create any expenditure which might be avoided.

But though I am quite ready to attempt to introduce the system on the reduced scale which has been laid down, I must be allowed, at the same time, with great deference to express my adherence to the opinion which I have already given.

The whole question must turn upon the comprehensiveness of the scheme which is to be adopted, and upon the degree of importance which is not only to be attached to the subject, but which is to be given to it, as manifested to the eyes of the people of India.

I may have misapprehended the intentions of the Court of Directors as expressed in their despatch, and have been led into this error by the views which I myself entertain on this subject.

I must confess to thinking, that when the Government has once resolved to take part in the direction of education, that no degree of importance which can be attached to the subject can be excessive, and that no amount of combined exertion to produce a successful result can be too great.

Holding these views, I proposed that there should be a secretary for education on a footing equal to the Financial Secretary, because I was of opinion that thus a position in dignity not too high for the department would be prominently accorded. It will not be denied that the officer selected to conduct the duties which must devolve upon this department should be highly efficient, and it must be remembered that the person selected must resign the department to which he has been previously attached, and in which he will probably have looked forward to high appointments, and that, in undertaking the direction of the educational branch, he renders himself liable to be arrested in his career, and to be passed over for the higher appointments which exist in other departments.

Again, the Honourable Court has permitted the appointment of an Inspector of Prisons, at a salary of 2,500 rupees per mensem, with travelling expenses in addition; now, however important this office may be, it surely cannot equal, by many degrees, that of the Director of Education. I recommended the appointment of an assistant secretary, because I believe that the labours of the office, if properly conducted, would be too great for the powers of any one man.

I would here mention that, in considering the administrative working of this Government, nothing has struck me as requiring change and alleviation more than the excessive labour which is heaped upon the heads of departments; their whole time is occupied in the routine duties of their office; and when I say their whole time, I mean from early morning till late night, with very little relaxation.

Such fatigue is not only prejudicial to the gentlemen concerned, but it is disadvantageous to the public interest, because they must be prevented from making themselves acquainted with many of the modifications and improvements which are yearly made in the numerous branches of political science.

Now if there be one more than another of the heads of departments who should have leisure time at his command it is the Director of Education, inasmuch as he must necessarily require to acquaint himself with the systems which have been adopted, the changes which are being made, and the experiments which are being tried on the subject in all parts of the world.

It stated moreover in Mr. Beadon's letter,—“Having regard also to the limited number of schools in the Presidency of Madras, the number of inspectors proposed seems to the Governor-General in Council excessive, &c.”

The proposal which I made, and which was adopted by this Government, was that there should be six inspectors, and this number certainly did not appear to me excessive.

I was aware that this Presidency was considered greatly in arrear in its educational efforts in comparison with the other Presidencies, but I was of opinion that, consequently, greater exertions were required to make the system at once as general as possible.

The Honourable Court, in their despatch, express themselves as desirous that every district in India should be subject to constant and careful inspection; and they manifest a wish to encourage the primary, or as they are termed, indigenous schools, throughout the country.

I believe this to be a wise course, not only in an educational view, as bringing the whole mass of the rising generation under instruction, but as politically expedient, inasmuch as, if the measures of the Government are concerted for the

the good of the people, there will be less probability of their being thwarted by misrepresentation, to which they, more especially a Government of foreigners, are liable, in case of only a small portion of the population being educated.

Though the number of schools in this Presidency may not be as large as elsewhere, yet it is sufficiently large to occupy much time and care, and it did appear to me advisable that, considering the high expectations which have been generally aroused by the Honourable Court's despatch, and considering also the advantage of possessing such knowledge, the Government should at once acquire full information respecting the state of the schools throughout the country, in order that it might, in as short a time as possible, be able to declare the basis on which it would commence in its own operations, and also be prepared to make grants-in-aid.

At present we have little or no information respecting the state of the missionary, or of the primary or indigenous schools; the Government must depend entirely on the reports of its Inspectors as to those which may be worthy of receiving assistance.

The number of schools in this Presidency at present shown by the returns made by the University Board, are,—

Government schools, 7; private, English and vernacular, 14; missionary, 1,185, (from another return); primary or indigenous, 4,507,* in eight collectorates; the returns from the other fourteen having been incorrect, or not sent in.

Now the number of Inspectors in England, Wales and Scotland, in the year 1852, was 18; with assistants, 9; the number of schools inspected, 3,166.

The schools in India would doubtless not require as much time to be given to them at first, as those in England; but, seeing that Government assistance to education is nearly at a minimum there, I felt that six Inspectors was hardly too much for a country with an area three times as large, with a population equally numerous, and with the difficulty of having five different languages in ordinary use.

It appeared to me that the Northern Circars might well occupy an Inspector; that Bellary, Cuddapah, Kurnool, and Nellore might take another; Madras, Chingleput and North Arcot, a third; South Arcot, Salem, Tanjore, Trichinopoly, and Coimbatore, a fourth; Madura, Tinnevely, and Travancore, † a fifth; Malabar and Canara, to which might be added Mysore, a sixth.

I have deemed it advisable to make this explanation, in order to show that the requisition which was made on the Government of India was not forwarded without some grounds to support it, though it may have been based on a misapprehension of the intentions of the Honourable Court.

In the letters from the Government of India to the Government of Bengal, and of the North Western Provinces, directions are first given respecting the formation of the educational department, which will, of course, be followed by this Government.

Secondly. The subject of the Universities is treated of, on which it appears there must be some delay.

Thirdly. The course to be pursued in making the grants-in-aid is propounded.

The most important point for this Government to take into consideration, on this part of the question, is to determine what proposal should be made to the Government of India respecting the amount of funds which are to be placed at its disposal for this purpose.

The Government of India authorises the Government of Bengal and of the North Western Provinces to expend a sum equal to five per cent. on the annual educational expenditure.

In this Presidency the sum of 50,000 rupees has been sanctioned as the annual expenditure on education. It has been also suggested that the interest of the education fund should be added; but no sanction has been received, and the funds themselves will shortly be expended on educational buildings.

So that the sum which this Government would have to expend on grants-in-aid, according to the principle laid down, would amount only to 2,500 rupees.

I am

* To these are to be added many schools in Madras and in 14 Collectorates.

† This country would probably gladly avail itself of the use of an inspector.

I am of opinion that it would not be advisable for this Government to attempt to commence proceedings on so small a fund, as it is quite certain that the demands which will be made upon it will be greatly in excess (the only training school in the Presidency having requested an advance of 5,000 rupees to save it from dissolution).

I think, therefore, inquiry must first be made as to the amount which will be sanctioned for the general expenditure on education, in order that this Government may know what degree of encouragement it can hold out to applicants for grants-in-aid.

Mr. Beadon's letter does not refer specially to the application of this Government for the allowance requested for compilation, translation, &c., of school books, &c. I must, therefore, infer that the views of this Government are, in this and other respects, considered unduly extensive and unnecessarily costly.

On this subject I was obliged to trust to the experience and judgment of others; and, I believe, the proposal made was considered no more than adequate to provide efficient persons to fulfil the very difficult task of furnishing school books in five different languages.

(signed) *Harris.*

Guindy, 5 March 1855.

In Madras Public
Letter, No. 31,
1855.

EXTRACT, Fort Saint George, Public Diary to Consultation of 24 July 1855.

Read the following papers:—

MINUTE by the Right Honourable the President.

The President proposes the following appointments:—

The Reverend John Richards, A.M., to be an Inspector of Schools;
John George Thompson, Esq., Civil Service, to be an Inspector of Schools.

(signed) *Harris.*

Government House, 21 July 1855.

[Ordered to be inserted in the "Gazette."]

EXTRACT, Fort Saint George, Public Consultation of 24 July 1855.

Read the following:—

(No. 982.)

Messrs. Richards and Thompson, as inspectors, will each draw a salary of (1,000) one thousand rupees per mensem.

They will also draw, when travelling on duty, a travelling allowance of (8) eight annas per mile for the distance actually travelled, and (4) four rupees per diem for the time that they may halt on duty; provided, however, that they are not to draw at any one time for more than 12 days at the same place.

Fort Saint George, 24 July 1855.

(No. 983.)

The appointment of the Reverend Mr. Richards to be inspector of schools is made without prejudice to his position and privileges as an assistant chaplain on the Madras establishment. The arrangement will, however, be subject to the approval of the Honourable the Court of Directors; and in the event of their not approving, Mr. Richards will be at liberty to make his election between being transferred permanently and absolutely to the educational department, and reverting to his duties as assistant chaplain. The chaplaincy of St. Thomas' Mount will not be filled up until the pleasure of the Honourable Court be known.

Fort St. George, 24 July 1855.

EXTRACT,

EXTRACT, Fort St. George, Ecclesiastical Consultation of 31 July 1853.

Read the following letter :—

From the Right Reverend the Lord Bishop to the Right Honourable the Governor, &c., &c., &c.

No.

My Lord,

Fort St. George.

I HAVE the honour to acknowledge the receipt of the chief secretary's letter, No. 241, of the 17th instant, informing me of your Lordship's intention to appoint the Rev. Mr. Richards, chaplain of St. Thomas' Mount, to be one of the inspectors of schools on the new educational arrangements.

I entirely concur in the view your Lordship has expressed of the preeminent qualifications of the Rev. Mr. Richards for the appointment to which he is to be nominated, and cannot have the least doubt that if the Honourable the Court of Directors approve of the arrangement, they will be prepared to grant us another assistant chaplain to maintain the establishment on the prescribed standard, which is all that I can require in the transfer of his services to another department.

There are, however, difficulties in the appointment which no doubt the Honourable the Court of Directors will duly weigh and consider; the chief of which, I apprehend, will be to satisfy the minds of the assistant chaplains, who are below Mr. Richards on the list, and whom he will keep from a step in the service, whilst at the same time he is receiving, as I suppose he will receive, higher emoluments, and at the same time not performing any of the duties of a chaplain.

I shall take care and propose that an assistant chaplain be appointed only to officiate at the Mount on Mr. Richards' removal, and that the chaplaincy be not permanently occupied until the point referred to the Honourable Court be definitely settled.

I have, &c.

(signed) T. Madras.

Ootacamund, 23 July 1855.

(No. 260.)

ORDERED to be brought to the notice of the Honourable the Court of Directors, with the other papers on the subject of the Reverend Mr. Richards' appointment.

No.

(True extracts.)

(signed)

W. Hudleston,

Depy. Secy. to Govt.

Fort St. George, 31 July 1855.

EXTRACT, Fort St. George, Public Diary to Consultation of 21 August 1855.

In F. S. G. Public Letter, No. 3, 1856.

Received the following letter :—

(No. 949.)

From C. Beadon, Esq., Secretary to the Government of India, to T. Pycroft, Esq., Chief Secretary to Government of Fort St. George.

No. 8.

Sir,

I AM directed by the Honourable the President in Council to acknowledge the receipt of your letter, No. 50, dated the 8th ultimo, forwarding for the approval of the Government of India the draft of a notification containing the rules and conditions under which grants in aid of education under the Honourable Court's despatch, No. 49, dated the 19th July last, are proposed to be made by the Government of Fort St. George.

2. The rules have been slightly altered to bring them into more complete conformity with the Honourable Court's despatch; and a rule has been added to declare expressly that grants in aid will be given only on the principle of strict religious neutrality. A copy of the rules, with the alterations and addition noted thereon in red ink,* is enclosed; and I am directed to state, that thus altered they are approved as provisional rules for immediate adoption.

* In this document the words written with red ink in the original are printed in italics.

3. The President in Council is desirous that the rules for grants in aid of education should, as nearly as possible, be the same for all parts of India: and it is for this reason, as well as for the sake of obtaining the result of actual experience, that the rules are approved in the first instance as provisional rules, under which the Right honourable the Governor in Council can commence operations at once, but which may be superseded hereafter by a code of more general application.

I have, &c.
(signed) C. Beadon,
Secy. to the Govt. of India.

Fort William, 27 July 1855.

NOTIFICATION.

1. WITH reference to paras. 51 to 62 of the Honourable Court of Directors' Educational Despatch to the Government of India, dated the 19th July 1854, the Director of Public Instruction gives notice, that he is prepared to receive applications for grants in aid of schools either already established, or proposed to be established by private subscriptions or endowments.

2. These grants will be made with a special view to the extension and improvement of the secular education of the people, and will be given impartially to all schools, whether male or female, Anglo-vernacular or vernacular (so far as the requirements of each particular district, as compared with others and the funds at the disposal of Government may render it desirable), which impart a sound *secular* education, and the managers of which may consent to submit to the conditions mentioned below. It will be essential to the consideration of applications for aid, that the schools on behalf of which they are preferred, should be under the management of one or more persons who, in the capacity of proprietors, patrons, trustees, or members of a committee, elected by the society or association by which the school may have been founded, will be prepared to undertake the general superintendence of the school, and to be answerable for its permanence for some given time.

3. No grants will exceed the amount of funds raised from local or other sources for the purposes for which the grant is sought; and as a general principle, except in the case of normal schools for training teachers, grants will be made only for specific purposes, and not in the form of simple contributions in aid of the general expenses of a school.

4. Except in the case of normal schools for training teachers, grants will be restricted to those schools in which some fee, however small, is exacted from the scholars.

5. All applications for grants must be accompanied by a declaration that the applicants are prepared to subject the school, on behalf of which the application is made, to the inspection of a Government inspector, *such inspection and examination having no reference to religious instruction, but only to secular education. The applicants must further declare their willingness to conform to the conditions hereunder specified for the regulation of such grants; and no grant will be made until it shall have been ascertained from the report of an inspector—*

1st. That the case is deserving of assistance.

2d. That the grant applied for will not supersede the efforts of associations or individuals.

6. The following are the specific objects for which grants will be given:—

1st. The erection, enlargement, or repair of school buildings.

2d. The provision of school furniture.

3d. The augmentation of the salaries of the teachers, or provision of additional teachers.

4th. The provision of stipends for pupil teachers, and of gratuities to teachers who undertake to instruct them.

5th. The provision of school-books, maps, and school apparatus at reduced prices, according to the circumstances of the case.

7. The

7. The following are the conditions upon which grants will be made for the objects above specified :—

1st. It will be a condition of all grants towards the erection, enlargement, or repair of school buildings, that such rules as shall be laid down in regard to the dimensions and arrangements of the school buildings, with reference to the number of scholars they are designed to accommodate, shall be duly observed, and that the permanent assignment of the buildings for school purposes shall be adequately secured.

2d. Applications for grants for the provision of school furniture must be accompanied by a declaration on the part of the applicants that they will be personally responsible for the due preservation of the furniture of the school, and for its being reserved for the purposes for which it is supplied.

3d. Applications for grants in augmentation of the salaries of teachers, or for providing additional teachers, like other applications for aid, will be referred to a Government inspector, for report on the merits of the school and qualifications of the teachers, and their continuance will depend upon the periodical reports of the inspector on the merits and proficiency of the teachers, as ascertained at his periodical examinations of the school.

4th. Grants for the payment of stipends to pupil teachers will be made only to those schools in regard to which the inspector may report that the master is competent to instruct such pupil teachers; and the continuance of such stipends, as well as the amount of gratuities to be assigned to the masters for the instruction of the pupil teachers, will depend upon the proficiency of the latter.

5th. Grants of school books, maps or apparatus at reduced prices, will be accompanied by the condition that the books shall be appropriated *bonâ fide* to the use of the masters and scholars, and that due means shall be taken for their preservation.

8. Grants will also be given in aid of scholarships and of stipends for normal students, the rules for which will be notified hereafter.

9. No payments will be made by Government until the proportion of funds, which, under the conditions of the grant, is to be contributed from local or other sources shall have been actually paid.

10. *It is to be distinctly understood that grants-in-aid will be awarded only on the principle of perfect religious neutrality, and that no preference will be given to any school on the ground that any particular religious doctrines are taught or not taught therein.*

(signed) C. Beadon,
Secretary to the Government of India.

(No. 1100.)

ORDERED to be communicated to the Director of Public Instruction.

No. 9.

Fort St. George, 16 August 1855.

MINUTE by the Right Honourable the President.

I QUITE agree with the views stated in this letter, with the exception of para. 16.

No.

I do not see the advisability of restricting the number of books which are to be employed in the examinations more than is necessary; and some of those mentioned by Mr. Arbuthnot are not of extraordinary difficulty, and are in general use.

But I imagine that Mr. Arbuthnot when making this suggestion had solely in view the system of examination by papers only, which it is the intention to adopt in this country.

I wish to take this opportunity of recording my dissent from this system when proposed, as in the present instance, to a general plan for national education.

In the case of selection for particular professions, I can fully understand that, as special qualifications are required, so the examinations should be confined to particular subjects, and examination papers may be prepared accordingly.

But when the general education of a whole nation is in question, it appears to me that the freest scope should be given to the independent action of individual minds; and I am very strongly of opinion, that that full and free scope which I would desire to see permitted cannot be obtained unless *vis à voce* examinations are introduced to some extent.

They need by no means interfere with trials by questions on paper, which are equally necessary, but they do not admit to an equal degree of the exercise of judgment and taste in the selection of authors; neither do they allow of the admission of an extensive and varied course of reading.

13 November 1855.

(signed) *Harris.*

MINUTE by the Honourable Sir *H. C. Montgomery*, Bart.

In F. S. G., Public
Letter (No. 3), of
1856.

It certainly is very unfortunate that there are those obstacles to the connecting the college for engineers with Major Maitland's school, and that when there is this latter excellent institution in full working order, and capable of expansion, a new establishment should be formed on the other side of the road, unconnected with it, and in some degree in opposition to it. If it is decided that a practical education is to be given in the engineering college, and that the pupils are to learn some trade, it appears to me that one of the objections to the combination of the two establishments into one, is at least, in a great measure, overcome: another objection raised is the military discipline being a necessary part of Major Maitland's plan. It is not impossible that some modification of this part of the system might be feasible. It is not, I think, necessary that the head of the institution should be a professor of engineering also. It is not the case in public institutions of similar description in England, and the case of Major Maitland shows that, without any great scientific acquirements, he has been able to bring his school to great perfection by the exercise of other and, perhaps, more useful qualifications for a superintendent. I would suggest that Mr. Arbuthnot's report be sent to Major Maitland, with a request that he state whether he sees any means of meeting the difficulties there explained to the incorporation of the new engineering college, with the school he has established.

(signed) *H. C. Montgomery.*

6 August 1855.

EXTRACT from the Proceedings of Government in the General Department, from the Secretary to the University Committee.

Sir,

In Bombay, Public
Letter, No. 12, of
1856, p. 2.
V. 6271.

I AM directed by the President of the Indian University Committee to forward, for the consideration of the Government of Bombay, the documents noted in the margin: * on the committee being constituted, under the orders contained in Mr. Secretary Beadon's letter of the 26th January last, it met, and resolved itself into the following sub-committees:—

1. A sub-committee for preparing drafts of such Bill or Bills as may be necessary for the incorporation of the University.
2. A sub-committee for preparing draft rules for examination for the grant of degrees, and for other cognate matters in the faculties of arts.
3. A sub-committee for preparing similar draft rules, &c. in the faculties of medicine.
4. A sub-

* Charges and Regulations of London University:

1. Letter from Secretary to Government of India, on the subject of a scheme for universities in India, in pamphlet form, four copies.
 2. Report of Sub-Committee of Arts - - -
 3. Ditto - - ditto - - Law - - -
 4. Ditto - - ditto - - Medicine - - -
 5. Ditto - - ditto - - Civil Engineering - - -
- } Three copies each.

4. A sub-committee for preparing similar draft rules, &c. in the faculties of law.

5. A sub-committee for preparing similar draft rules, &c. in the faculties of civil engineering.

3. The first of these sub-committees has not yet commenced its proceedings, but the other sub-committees have made their reports, and the general committee has resolved, before taking these reports into consideration, to submit them to the several local governments, in order that it may have the benefit of any suggestions or opinions which those governments may see fit to make thereon.

4. In pursuance of this resolution, I have the honour to forward the accompanying papers; and, with reference to para. 5 of Mr. Secretary Beadon's letter above referred to, to request that the committee may be favoured with the views of the Government of Bombay upon them.

I have, &c.
(signed) *W. G. Young*,
Secretary to the University Committee.

Fort William, 10 July 1855.

MINUTE by the Right Honourable the Governor.

I REQUEST that my colleagues will now favour me with their opinions in regard to the proposed University of Bombay.

With Bombay
Public Letter,
No. 12, 1856, p. 2.
V. 6273.

2. The views of the Honourable Court are announced generally in paragraphs 24 to 35 of their despatch, and some remarks of the Government of India are contained in paragraph 12 of their letter to the Bengal Government, and in their letter to the University committee.

3. The annexed paper indicates the opinions of some members of the Bengal committee on many points of much importance relative to general degrees in arts.

4. At present we are to inform the Calcutta committee as to the names of the first members of our Senate, and as to our views in regard to the measures to be adopted generally.

5. Annexed is a list of gentlemen whom I propose to include in the first Senate. The Governor-General has suggested that the Governors of the several Presidencies should be chancellors of their respective universities. The vice-chancellor, I believe, will generally be one of the judges of Her Majesty's Supreme Court. The members of the Board of Education will be included in the Senate, according to the expressed wish of the Court of Directors: other names I have endeavoured to select with reference, in a great measure, to general learning and accomplishments, but also in such a manner "as to give to all those who represent the different systems of education which will be carried on in the affiliated institutions, including natives of India of all religious persuasions who possess the confidence of the native communities, a fair voice in the Senate."

6. In connexion with the constitution of the University, the first doubt which suggests itself to me relates to the manner of enabling students to enter as candidates for degrees and honours.

7. The Court of Directors suggest that the attendance required at the London University for entrance examinations may be dispensed with in India. It has elsewhere been recommended that there should be no entrance examinations at all. A more prevailing opinion favours the retention of entrance examinations, dispensing only with the oral portions of them, and providing for their being held simultaneously at the Presidency towns, and at certain selected stations in the mofussil, where arrangements can be made for effective control.

8. My own opinion is strongly in favour of retaining the entrance examinations, and at the same time dispensing with attendance in Bombay. This might

be attempted in several ways. The examination might be divided into two parts, those only who passed the preliminary ordeal being required to proceed to the Presidency for the final one. Such an arrangement, however, would afford only partial relief. Again, examinations for entrance into the collegiate department of affiliated institutions might be regulated so as to secure a certain uniformity; or university examiners might be deputed to hold entrance examinations in the provinces simultaneously with that to be held in Bombay. It might be difficult to carry out this latter system immediately; but when the means of communication are improved, it might, I think, be adopted with advantage. Finally, the entrance examination might be conducted by means of written papers and local committees, as suggested in Bengal: in the first instance this will probably be the best plan.

9. It is not to be denied, however, that the substitution of many committees for one, and the disuse of oral interrogatories, are both decided evils. Provincial committees will not personally examine those who present themselves in the provinces. The central committee will not have the means of removing doubts by questioning, or of pronouncing fully upon the style of written papers, unless among its members be included representatives of all the different languages and dialects in the Presidency. It might be advantageous to circulate to provincial committees along with the printed questions to be answered in writing, other printed questions to be answered *viva voce*, and reported upon by the local examiners.

10. In addition to other difficulties, I fear that when the number of candidates for degrees shall increase throughout the country, it will be exceedingly difficult for any central examiners to pronounce upon all papers within a reasonable time.

11. I am inclined to think that the principle of affiliation, although possessing some elements of usefulness, had better be dispensed with; the large recognised institutions for general education will of course always be the great nurseries for the university, as their schemes of education will be specially adapted to its examinations. It will thus generally happen that those entrusted with the charge of children destined for the university will place them at some well-known college. But I see reasons why these establishments should not have a monopoly of training; why this function should not be confined to them, but left open to all who may really be able, in fact, to compete with them.

12. It is necessary now to consider the standard by which entrance into the university should be regulated.

13. At the outset I would most decidedly advise and urge that no attempt should be made to fix these standards too minutely; at a distance, within due limits, a certain power of adaptation and reform should be left to the local senates. A general uniformity of test throughout India being once for all provided for, or from time to time provided for, the details should certainly be left for decision by the authorities on the spot. It would be very useful that they should annually notify beforehand the exact subjects of examination for the next ensuing year; but there should be no attempt to oblige them to use any particular books on any particular occasions. The degree of attainment to be required at each stage being regulated, the manner of testing the actual attainments of candidates should be left to the judgment and discretion of the senates.

14. It will be very convenient that the questions given at each set of examinations should afterwards be published, as in the university calendar at home; such collections form the best guide to study for university distinctions, and if judiciously made, might exercise a very beneficial effect upon the general direction and method of instruction.

15. Of the four branches (mathematics, classics, experimental physics, and ethics), in which examinations are generally conducted in universities of recent institution, the entrance examination is usually made to refer to the first three. This seems to be judicious, and should be adhered to; the fourth branch being left for undergraduate study and degree examinations.

16. One of the most important branches of the entrance examinations at London University is "classics," which includes the learned languages of the west, as well as English and the modern continental languages. What is to be required

required in this respect in Bombay? For Indian students, English is in a great measure the representative both of ancient and modern literature; and every candidate should undoubtedly be required to be really proficient in that language. In addition to this, he should be thoroughly master of his own vernacular language, and should have a competent knowledge of one other of those named in the margin. According to one proposition, candidates might select any two of the above languages, English being one. The two languages might both be classical, as English and Arabic, to a Mussulman boy. To such an arrangement I should decidedly object, as I think it would have an injurious effect upon the system of preparatory study, and a tendency to render young aspirants careless as to obtaining an early mastery of their native tongue. I would allow no exception to the rule that every candidate at entrance should be thoroughly examined in English and in his own language.

Greek, Latin, Sanscrit, Arabic, Persian, Marathee, Guzeratte, Canarese, Sindee, Portuguese.

17. It is a question whether or not there should be an honour examination at entrance: unless it be found that there are decided practical difficulties in the way of such an arrangement, I am inclined to support it strongly. Those who have had experience of college life, I believe are quite agreed that an examination for honours, even at matriculation, may be used as a different kind of instrument for the detection of a different quality of mind. It will not merely indicate that a youth can answer more fully than others a set of ordinary questions upon most subjects, but that (in some branch or branches of learning), he has been cultivating uncommon talents with uncommon zeal and success; that, in short, he may with great propriety be tried by a special kind of test, which would be quite unsuitable for the great majority of students, with reference to whom, of course, the regular papers must always be framed.

18. If it be practicable therefore, I think it would be advantageous that there should be an honour examination at entrance, and that the names of those taking honours should be made known, even if they should be unable afterwards to go on for degrees: the distinction thus early gained will be a lasting advantage to them.*

19. While favourable to honour examination, however, I am very doubtful as to the expediency of dividing those who enter into two classes. It is no slight to any one that he should not voluntarily go up to a difficult honour examination. But to some it may be a real discouragement to feel that what all are obliged to do, they could not do well enough to be ranged in one class with their fellows. Nor do I see any advantage in the proposal; for certainly I do not consider that the standard of proficiency entitling even to a second class certificate at entrance should be fixed very low. The importance of securing as much real proficiency as possible at an early stage of study can hardly be over estimated: it affects the foundations on which all the worth of the superstructure will depend: it affects the efficiency of the schools which supply candidates for university distinctions. Assuredly I would not bring down the standard even in the second class below that fixed for the London University. There can be no reason for subjecting our colleges, or society in general, to an inundation of indifferent undergraduates.

20. Indeed it seems to me that the rules of the London University, duly modified as above, explained under the head of classics, are very well suited for Bombay. I would not omit the elements of chemistry from the entrance test.

21. It seems to be intended that 16 shall be the minimum age of entrance, and that there shall be no maximum. The age of every successful candidate to be specified in his certificate of entrance. These arrangements seem to be judicious and applicable to this Presidency. But I would not, as above noticed, give an university certificate to any one who cannot well pass the ordinary entrance examination.

22. After

* I further think that an honour examination at entrance might be made very useful as a test for the assignment of university scholarships. The establishment of a certain number of these would, I am inclined to think, act most beneficially as an encouragement to exertion, and they would contribute to the support of those most likely to distinguish themselves during their academical career.

22. After questions regarding entrance, come those relative to degrees and higher honours.

23. In this connection the first point for decision is, shall there be more than one grade of examinations for degrees?

24. Many persons are inclined to dispense with any second degree examination, extending the term of study for B. A. to not less than four years from entrance, and granting M. A. to all who may then obtain the lower degree with honours, or, after a certain further term of years, to all who may have obtained the lower degree without honours, provided they have not in the interim neglected their studies. This I should regard as a great mistake, and the imitation of an abuse still prevailing in some English universities. Every candidate for the superior degree should certainly on examination give evidence of decidedly superior attainments. I see too a very strong special reason why there should be two degrees, one as a note of sound, general learning up to a certain point, which should not be too high to be imposed upon all professional students; the other as a note of more than ordinary scholarship, eminence in science, literature or philosophy.

25. In this view, I would rule that students may go up for the B. A. examination after not less than three years from entrance (I think it desirable that undergraduates generally should not be lost sight of for a longer term without reappearance), and to the M. A. examination after not less than two years from the date of passing the B. A., and I would require a B. A. degree from all those desirous of entering on the professional study of law, medicine, or civil engineering. This may at first be objected to in some quarters, but I am convinced that it is quite judicious. The engineering student will be more appropriately and more thoroughly instructed in the higher mathematics and natural philosophy, while he is completing his general studies, than after he has entered on the practical labours which are to fit him for his active vocation. So the medical student can be more profitably introduced to a general and systematic knowledge of natural philosophy, chemistry, and physiology, before he is overwhelmed with the multifarious duties of the dissecting room and the hospital. Law students likewise should be taught, before they begin to attend in courts or chambers, those general principles of jurisprudence, and the law of evidence, without some knowledge of which, no education can be regarded as complete. All these are legitimate elements in a general education, and the more a professional man can learn of them before beginning to confine himself to special studies, the more liberal and broad will be the principles upon which he will afterwards pursue and apply them.

26. With the exception of the branch of classics or languages (in which the modifications indicated in the annexed paper would be necessary), I think the standards for B. A. or M. A. in the London University would apply to Bombay, with very little alteration. Indeed I can see no object in deviating from the rules or standards of the more recently established English universities, which were arranged by experienced and sagacious men, and have been pointed out as the best models for India.

27. I see no reason why there should be two classes of ordinary B. A. degrees. If it were proposed more enduringly to distinguish those who take degrees with honours from the holders of ordinary degrees, there would be much to urge in favour of that plan. But I see little prospect of advantage from any subdivision of the ordinary grade. The natural tendency of such a rule would be to lower the standard for ordinary candidates who are less proficient than they might be, and to this I am decidedly opposed.

28. As already stated, the regulation for B. A. examinations in London, as modified in the annexed paper, seem to be well suited for the present purpose, and the examinations for honours in connection with the same degree should be framed on the analogy of similar ordeals in England. It seems to be a question whether the branch* in which any one may have graduated with honours might not be afterwards designated in his titles.

* Mathematics, classics, experimental physics, and ethics.

29. The remarks in the last paragraph also apply entirely to the separate ordinary and honour examinations, which I should wish to see instituted in this country for M. A. degrees. It might be well in this grade also permanently to distinguish

guish honour from ordinary graduates, and even honour graduates into classes corresponding with the special branches in which their honours have been won.

30. It is not intended, I presume, to omit geology from the branch of physical sciences, nor political economy from the moral sciences, nor the comparative study of languages from the branch of classics.

31. The distinction between mathematical and experimental physics which prevails in Dublin University seem to be very expressive, and worthy of adoption here.

32. On the question of titles, I would say that if the standard to be exacted in India can be placed on a level with those adopted in Great Britain, the denominations by which they are to be indicated should also be the same. It is desirable that an Indian graduate and an English graduate should be as nearly as possible of the same class of scholars, both having this at least in common, that up to a certain point they have appropriated equal proportions of the best knowledge within their reach, and are entitled in equal degrees to the regard of their respective communities.

33. I am inclined, therefore, to think that the caution offered in the middle sentence of paragraph seven of the letter from the Supreme Government to the University Committee is perfectly sound and just. But that the doubt expressed in the concluding sentence of the same paragraph ought not to be allowed too much weight.

34. The subject of professional degrees is so extensive and so complicated with practical details and questions of privilege, that I am not prepared at present to express a full opinion in regard to it.* I have made references to many of those whom I deem best qualified to judge as to legal, medical, and engineering matters, and I propose hereafter to make known the result in a separate minute. In the meantime I think it would be well to obtain from the Supreme Government some intimation as to the proposed character of the new degrees in law, with especial reference to the privileges which will accrue to holders, and the classes of persons of whom such degrees are to be exacted.

35. It is proposed, I see, to admit to degree examinations all who, after passing the entrance examination at any Indian university, have prosecuted their studies during the proper term of years. I would omit the word Indian from the above, for I do not at all see why undergraduates and inferior graduates of all recognised British and Indian universities should not be regarded as reciprocally admissible, after due preparation, to any examinations for higher titles in any university which may be nearest at hand.

36. I would also make some special provision for the early examination (for B. A. degrees) of all young men above the age of (say) 25 years, in regard to whom it may be certified by their last teachers that there is some reasonable prospect of their success.

37. University professorships of law, of civil engineering, and of the classical and vernacular languages of India, are suggested by the Court of Directors. The Governor-general, however, doubts the necessity of this, if proper provision for their studies be made in separate colleges, or separate department of a Presidency college. This is also my own opinion decidedly, with this proviso, that the lectures of the said professors should be open, on reasonable terms, to all comers (not only to those regularly pursuing the whole course of instruction imparted at the college in which they are given), and that the honours fixed for the lectures be such as appears to be most generally convenient for the students and teachers of all the neighbouring institutions.

38. As regards the university charter, I see no reason to suggest any but the most obvious alterations of those relating to London University.

39. An

* Should it be determined, however, to establish them, I am inclined to think it would be proper to attend to the degree of M. A. such students as take a creditable professional degree, without requiring them to pass that superior examination which will be necessary to qualify ordinary B. A.'s for the M. A. degree.

39. An opportunity will, I trust, be afforded to this Government of offering its opinion upon any report which may finally be made by the Calcutta Committee before that report shall be adopted by the Supreme Government. I trust, also, that some information may be afforded as to the exact duties and positions of the chancellor, vice-chancellor, registrars, and examiners of the University.

7 July 1855.

(signed) *Elphinstone.*

The Right hon. Lord Elphinstone,
G. C. H.
The Hon. Sir W. Yardley, knt.
The Hon. J. G. Lumsden.
The Hon. A. Malet.
M. Larken, esq.
Juggonath Suntrerset, esq.
Bomanjee Hermusjee, esq.
Dr. Bhawoo Dajee.
M. Stevell, esq.
Sir Jamsetjee Jeejeebhoy, knt.
Mirza Alee Mahomed Khan.
Major-general Waddington, C. B.
W. Howard, esq.
Wm. Frere, esq.
Dr. Don, Inspector-general of
Hospitals.
The Rev. W. K. Fletcher.
H. B. E. Frere, esq.
J. J. Berkley, esq.

Edward Howard, esq.
Principal Harkness, M. A.
Major Candy.
Dr. Morehead.
Professor Fraser.
The Rev. P. Anderson.
Lieutenant-colonel Scott.
Lieutenant-colonel Lang.
The Rev. Dr. Wilson, D. D.
W. P. Adam, esq.
H. L. Anderson, esq.
Lieutenant-colonel Jacob.
Rev. M. Peniston.
Dr. Peet.
Dr. Giraud.
Professor Sinclair, LL. D.
Professor Reid, LL. B.
The Director of Public Instruction.

MINUTE by the Honourable *J. G. Lumsden, Esq.*

1. I REGRET that there has been some delay on my part in disposing of this subject.

2. In the third paragraph of the Right honourable the President's minute he speaks of an annexed paper, as indicating the opinions of some members of the Bengal Committee on many points of much importance relating to degrees on arts.

3. That annexed paper did not accompany the minute, nor did I receive it until the 18th of August; and as the subjects and opinions therein discussed were freely alluded to in the minute, it seemed necessary to wait for its receipt.

4. From the letter from the Government of India to the Government of Bombay of the 26th of January last, it did not otherwise appear that much remark was called for on our part in regard to the scheme for the Bombay University.

5. In the first paragraph of the letter of the same date from the Government of India to the committee for the establishment of a university at Calcutta, Madras, and Bombay, the duty of preparing a scheme which shall be common to all three Presidencies is delegated to that body.

6. I can see no reason at all for demurring, on the plea of local circumstances, to the details of such a scheme as the gentlemen placed upon the committee may regard as the best for the Presidency of Bengal. There are no local distinctions between the several Presidencies of a nature to suggest any material diversity in framing a common scheme for extending education in this country, and raising the standard of it.

7. Had not the Right honourable the President entered very fully into some of the questions which have been raised before the Calcutta Committee, and which affect the general scheme, I should probably therefore have confined myself to an expression of the above opinion, and an assurance that I had no objection

objection to offer to the list of gentlemen whom he proposes to include in the first Senate.

8. He has, however, invited our comments; and I consider, therefore, that I am called on to record my assent in his remarks, or to state where I differ from them, which I shall do as briefly as I can.

9. I will first roughly outline what I conceive to be the distinguishing features of the proposed university.

It is, as far as practicable, to resemble in its constitution the London University.

It is to be governed by a Senate at the Presidency, who are to award degrees and honours.

Certain educational institutions, as schools of a superior character in the provinces and colleges at the Presidency or elsewhere, which may hereafter be approved and admitted by the Senate, are to be affiliated to the university; by which I understand that they are to bear the same relation in general respects to the University of Bombay, that the colleges of Cambridge and Oxford respectively bear to those universities.

Any candidate for degrees or honours to be granted by the university must, before his examination will be permitted, produce a certificate that he has studied for a period of four years at one of these affiliated schools, that he has conformed to the prescribed rules which entitle him to present himself for examination, and that he has borne a good character.

Candidates for honour and degrees at the university will be expected to pass an entrance examination, either at the Presidency or in the mofussil, analogous to the examination passed on entering an English university, before he can be admitted into the collegiate department of these affiliated institutions. This examination, however, has by some been thought unnecessary.

The examination for degrees and for honours must be held at the Presidency before a body of examiners appointed by the Senate.

10. I will now follow our President's minute in the order of the several paragraphs.

11. I agree with him in thinking that candidates for university degrees and honours should pass an entrance examination previous to their admission into an affiliated institution.

The rule will confine the university examination to a class who have at the entrance of their collegiate career given proof of having attained to a certain standard of education.

12. The standard fixed for this examination I am of opinion should also be, as far as it can be made so, analogous to that required at the entrance examination at our own universities, or rather at the London. I think it would be a mistake to pitch it too high, and one that in this country should be carefully avoided.

13. I greatly doubt the expediency, if not the practicability, thereafter of conducting these examinations by means of written papers, such as are now in use in our own district examinations of public officers. I doubt it from the immense correspondence and great delay which such a system would occasion.

14. We should make a special provision, I think, for the inconvenience of having our affiliated schools and colleges spread over the wide extent of the Presidency; a small body of appointed university examiners should travel through the Presidency, paying periodical visits to the different affiliated institutions, and, if necessary (though I do not think this will hereafter be the case), to other central spots, where candidates desirous of entering the collegiate department of an affiliated school can present themselves. As the course of study, preparatory to an examination at the Presidency for honours or degrees, is to be conducted in the districts, it would be the height of hardship to call on all the young aspirants throughout the Presidency, to visit Bombay for this preliminary examination.

15. I trust that there will be no restriction in regard to the number of affiliated schools, but that hereafter we may find it possible to affiliate one or more schools in every district or province in the Presidency, so that the means of collegiate training may be provided for the people at their very doors. I consider that

one of the earliest objects to be steadily kept in view by the Director of Public Instruction should be to provide for this want, and, where he thinks that a school is capable of being raised to the standard necessary to admit of its being affiliated with the university, that he should specially turn his attention to its improvement.

16. Paragraphs 12 to 16 inclusive.

I agree generally in our President's remarks in these paragraphs.

17. Paragraphs 17 to 19 inclusive.

I also entirely concur in the opinions expressed in these paragraphs. If youths are prepared for and desirous of passing for an honorary degree on the occasion of their entrance examination, I think it would be a pity to baulk them. I prefer this plan to a division into two classes. There may be something invidious in forcing a youth to either succeed in becoming one of a superior class, or to be ranked in an inferior grade. The latter might unfavourably affect his whole future career, while there is nothing to depress a man who has never attempted to secure an honorary distinction on entering college, and to discourage him in the pursuit of university honours. On the other hand, a youth who has aimed at this preparatory degree of honour, and has attained it, has given a guarantee for future excellence and distinction which he is not likely to forfeit.

18. It is also clear to me that, having once-passed the entrance examination, no student of good character should be prevented from hereafter presenting himself at the final university examination as an aspirant for honours or degrees. I concur, as will be apparent from the preceding remarks, in paragraph 19 of our President's Minute; I also concur in paragraphs 23 to 31 inclusive.

19. But I cannot rest satisfied with recording a mere assent in the opinions and arguments contained in the 32d paragraph.

20. If it be a question whether we are in India to adhere to the custom of English universities, and to grant degrees of B.A. and M.A., &c., or to substitute another and perhaps a more critically correct nomenclature of titles, intended to imply that their recipient has attained to a certain standard of education, I sincerely hope that the time-honoured and ancient term so familiar to English ears, and so connected with English history, may be preserved. The critical propriety of a term as expressive of the exact meaning intended to be conveyed may be of less consequence than the associations connected with the more ancient times—terms in themselves less correct, perhaps, but, from long familiarity, understood as well, and far more valued. This would be an argument, it may be urged, against a change in mere titular university distinctions at home. But who shall say that at some future period, when the political connexion between this country and our father-land has long been severed, these well-known and familiar titles may not still be preserved in the Indian universities, forming the links of a moral connexion which they help to maintain between the respective countries, recalling a period when the power which we possessed as the foreign rulers of India was not selfishly misused, but was honestly employed for the noblest and most disinterested of objects, the advancement and benefit of the people.

21. I have no further remarks to offer upon our President's Minute, in which it will be seen that, with a very few exceptions, I cordially concur.

(signed) *J. G. Lumsden.*

8 September 1855.

MINUTE by the Honourable *A. Malet*, Esq.

It seems desirable that this subject should be disposed of as soon as possible, and, after the minutes of our Honourable President and the Honourable Mr. Lumsden, any remarks I wish to make may be very brief. If the system of affiliating schools and colleges to the university be determined, a provision should, I think, be made at the commencement for the entry of those who have not studied

studied at such affiliated institution, the special cases alluded to by the sub-committee of arts being provided for, as recommended by them.

In the test for admission in languages, I am of opinion that English and the candidate's vernacular should suffice; or when English is his vernacular, that and one other, either classic, modern European or oriental.

The intention to place those who enter in two divisions seems to me to be sufficient without honours, students in both divisions being competent to try for any honours subsequently. The bestowal of honours on entrance would, I think, render them too cheap.

I concur in the expediency of permitting provincial examination for entrance, and in paragraphs 21 to 32 of our President's Minute.

With reference to professional degrees, I think that the previous attainment of the degree of B.A. should not be dispensed with.

The explanation suggested in the latter part of our President's 34th paragraph seems requisite. I concur in paragraphs 35 and 36.

The Government of India does not contemplate the appointment of university professors. If the latitude for attendance at the lectures of college professors, suggested by our Right honourable President, in his 37th paragraph, be allowed, I see no objection to this; otherwise I apprehend that university professors will be necessary.

14 September 1855.

(signed) *A. Malet.*

Further MINUTE by the Right Honourable the Governor.

1. AFTER reading what my colleagues have written in regard to the proposed university in Bombay, it seems to me that our views are very much the same, and that their minutes do not call for any further remarks on my part of a general nature.
2. Since expressing my opinions, however, I have perused the draft reports of the university sub-committees in Calcutta, and have consulted some of those who are best informed as to professional studies and practice in this Presidency; and with reference to paragraph 34 of my minute, it may be proper to express in a few words the views to which I have been led in regard to professional degrees.
3. In paragraphs 24 and 25 I urged with some earnestness that a preliminary degree of B.A. should be required of all who may wish to enter for professional degrees. I adhere entirely to this belief, and attach to it the greatest importance. The adoption or rejection of such a course will determine the whole character of the university on its purely practical side. I beg to urge most strongly that a high general preliminary standard be exacted, without exception, of all candidates for university degrees in every profession.
4. The sub-committee of civil engineering have recommended, I perceive, that a degree of B.A. should be required of candidates for professional degrees in their faculty; but they suggest a relaxation of this rule in favour of students in the Government colleges, which I must consider inconsistent and unwise. The sub-committee of law have recommended that a degree of B.A. should be required of candidates for degrees in law; but they likewise bring forward an alternative suggestion which, in my opinion, cannot fail to have an injurious effect. The sub-committee in medicine admit that it would be most desirable to receive only such candidates as have qualified in arts; but they only bring themselves to expect this communication hereafter "in the future progress of education in India."
5. I see no reason why it should not begin to be enforced from the date on which the university may begin to confer its degrees of B.A.
6. The Government of India can have no desire to suggest that mere professional expertness is all that should be required of a professional graduate. Practical shrewdness, aptitude for the details of business, special knowledge of any kind, as a lawyer, doctor, engineer, are excellent things, and will find their own rewards; but these are not the qualities on which, through the university, it is

the great object of our Government to set the seal of its approval. If intelligent men be brought to the threshold of the professions, and admitted to the benefits of instruction, there can be no doubt as to their professional advancement. Even without degrees the colleges will gradually supply as much practical skill of as high a kind as the community can afford, or will consent to remunerate. Even with degrees they will not long supply more; and although the creation of a class of skilful native practitioners will be a great benefit and a great triumph, still there is a higher view than this of the present question, a view which must not be postponed to this. For assuredly the future of these very professions, and even of native society itself, will depend less upon the special skill and dexterity of those who are to be the advisers of all classes in their common dealings and pursuits, than upon the liberality of their general views; the purity of their character and the soundness of those principles of thought and action which will give a colour to their lives and example. In a letter which has been placed at my disposal, Sir William Yardley has forcibly pointed out the danger of "mere legal training without that high tone of professional morality which in England and Scotland is found to be the safeguard of men's most intimate confidences;" and Mr. Howard, to whose able report upon law degrees I shall presently have occasion to refer, expressly states, that "it is in itself positively injurious to the mind to commence a study that requires so much precision of thought; except upon a broad, previous foundation, the tendency of the study of any system of law is undoubtedly to narrow an uncultivated mind." I believe that a similar objection applies to the other two branches for which professional degrees are to be granted, and that in those whose moral faculties have not been carefully cultivated, or who are not under the influence of strong religious conviction, their studies have a materialist tendency, which it is important to counteract.

7. I dwell upon this subject, because I do not think that its importance can be over-rated. There is in India a very small class of persons who can hope to live otherwise than by their own exertions. Of those who live by their labour, the most influential at present are the bankers, the merchants, and the higher servants of the State. It is not difficult to believe, that in India the two former pursuits are unfavourable to study and to moral discipline, while an officer of Government cannot usually command as large a share of private confidence as a person of equal ability in an independent position. The leading members of the liberal profession, therefore, will probably form a kind of intellectual aristocracy by themselves; they will exert a great moral influence, and will communicate their own opinions and habits to their fellow countrymen. If so, it must be an object of the highest importance to elevate as much as possible the standard of principle and character among those professional graduates on whom we are about to confer the only titular distinctions which we have to bestow, and who will be regarded, in some degree, as though exponents and representatives of European ideas and indication. For other defects among them there may be other remedies; but the evil of inadequate general education can only be averted by Government, and can be fully averted only in the very outset.

8. It is notorious that in England imperfect legislation on professional matters has been a source of infinite mischief and demoralisation. Until within the last 20 years, the professional colleges and companies alone conferred licences to practise in medicine: the two older universities alone awarded medical degrees. The former bodies very naturally confined their examinations to mere special skill, and the proportion of university graduates to general practitioners was never so great as to raise the character of the entire profession. In law the anomaly was, if possible, more striking. The university conferred degrees which conveyed no right to practise, and the inns of court admitted to practise without making inquiry as to qualification. In engineering, I believe, no one need obtain, even now, any diploma to practise his profession, and no university is empowered to confer a degree in connexion with it.

9. It seems quite obvious, therefore, that the Indian Government must not in this case be guided by home precedents, but must act for itself, using the experience of England rather as a warning, than as a guide.

10. For these reasons it is with regret that I observe in some gentlemen of experience here, and even in the reports of the sub-committees, a tendency to
sanction

sanction the practice of transferring boys immediately from schools to professional study without any intermediate training of a collegiate nature, or with only a very inadequate training.

11. I do not understand how a schoolboy can really be fit to enter at once upon a professional career. He has hitherto been strictly in a state of pupillage; his conduct has been regulated by an authority which he was not to question, and even his knowledge has been resting upon rules enforced by authority; he has not been thoroughly proved, either as to moral purpose or mental energy; he has never been thrown upon his own resources. This is what happens to him at college; principle begins to take the place of authority, and rules are superseded by reasons. On this account the few years of college life are singularly important in the formation of character, and especially valuable to every one who is to lead an active life.

12. But even to the mere student their value is exceedingly great. Almost for the first time he feels responsible for his own progress, and works according to his own plan. The facts and formulæ of his schoolboy days are now construed to his mind in thought. He begins to mature his knowledge; two or more years are devoted almost exclusively to "permanent studies;" that body of approved science and literature, in regard to which all men have long been of one mind. It is only in the latter part of his course, after long and steady discipline, that he is finally brought face to face with the "progressive studies," the literature and science of his own day, which thenceforward will chiefly engage, if not engross, his attention; and it is only after this careful training that a young man is regarded as qualified to take part in the affairs of the world. Surely, any less careful training should not be held to qualify for entrance upon a professional career.

13. I am very anxious that this should be admitted, and that it should be admitted in time. It is easy now to prevent a great mischief, which hereafter it will be very difficult to correct. Indeed, the few objections which I have heard people urge against the high general education for which I contend, appear to me to be founded upon a misconception.

14. It is urged, for instance, that if this preliminary test be exacted, the number of candidates for degrees will be excessively small; such a statement, if demonstrated, might be a very good argument for delaying the foundation of a university, but can never be accepted as a reason for deteriorating the quality of its degrees. I trust, however, that the statement itself is erroneous.

15. Again, it is urged that, by exacting such a test, you limit very much the numbers available for professional employment in the public service. This objection supposes that none are to be employed but those who have taken professional degrees. I do not advocate such a regulation; on the contrary, I think it would be premature and injurious. The professional colleges should not close their doors against all but undergraduates of the university. The public service has need of all the talent and skill it can command from every quarter. No present change need be made in these respects, except as regards the highest grade of public offices. If it should hereafter be found that the number of professional graduates who desire to obtain public employment is sufficient to meet the requirements of the public service, such a state of things will of itself prove that the ground of this objection has been removed.

16. The only other difficulty which has been noticed to me relates to the additional expense of taking a professional degree, if a general degree is first to be taken. I do not attach much weight to this objection. The cost of education in this country is uncommonly, if not excessively, small. The number of scholarships and exhibitions will apparently be uncommonly great; and if a young man may enter as a university student at 16, take his degree of B.A. at 19, and obtain his professional degree at 22 or 23, I do not think that he will have any ground of complaint, or that the community would be benefited by his earlier emancipation.

17. I have noticed (in paragraph 25 of a former minute) the course which would, in my opinion, qualify for a B.A. degree. Beyond exacting an elementary knowledge of chemistry at entrance, I would not assign a prominent place to the
72. S physical

physical sciences in the first, or even in the second, year's courses. In the third year they would engage more of the student's attention, as he would then be maturing his knowledge of the state of science generally, and preparing for a more exact study of those special branches which would form part of his professional accomplishment.

18. I should expect a great deal from an arrangement of this kind, and desire very strongly to recommend it. But I have delayed long enough upon this part of the subject, and will pass on, therefore, to the proposed courses and examinations for each of the professional degrees separately.

19. And first, as to medicine, provision has already been made in this Presidency for the scientific study of medicine. The Grant College has been conducted with singular judgment, and the professional attainments of its graduates are admitted to be very considerable. I would not interfere with a college system which is working so well, unless where this may be indispensable to the proper working of the university system.

20. Now, if the scheme of study at the Grant Medical College were to be modified, according to that proposed by the sub-committee of medicine, the changes, in most respects, might not be very great, but I fear they would be very injurious. The amount of training, and especially of practical training, and with it, of course, the qualifications of graduates, would be lowered, and not raised, by the alteration. I entirely concur in the opinions expressed on this point in the annexed papers by the Government Examiner* and the Officiating Principal of the Medical College.† I know also that the late Examiner‡ and the present Principal are both strongly of the same mind. I should esteem it a great misfortune to learn that degrees are hereafter to be conferred by the university upon easier terms in any respect than those on which diplomas are now awarded at the college. For we have not here a nominally high standard with a really lax application of it; the clinical instruction at the Jarnsetjee Hospital has been no mere pretence. The college examinations have been searching and practical, and could hardly be rendered more so under any system.

* Appendix (A).

† Appendix (B).

21. I must therefore strongly deprecate any curtailment of the medical course at present exacted in Bombay, and any degradation of our practical standard of professional qualification. The existing course may be compressed into four years, if that be deemed requisite. But beyond this, I earnestly hope that no interference will be attempted.

22. It would then only be necessary to enjoin that the present preliminary test should be rigorously exacted of all ordinary students at entrance, and gradually raised for all when practicable. That candidates for professional degrees should be admitted to study at the college in virtue of their degrees of B. A., and not otherwise. That the existing course of medical study should continue to be sedulously inculcated in all its branches, and that the closing examinations should be as strictly searching and practical as heretofore, comprehending the general principles of treatment, and not confined to mere details of symptoms and remedies.

23. I do not feel competent to express an opinion as to the details of the proposed courses; but this seems hardly necessary, as I sincerely trust that no great changes will be insisted upon. The double (or biennial) examination of students (but without honours) might perhaps be introduced here, as in Calcutta; but, if adopted, the first test should be a collegiate one, and the decision of the point may, I think, be confided to the college authorities or the local senate.

24. The same remark applies to the proposals for medical fellowships and prizes, in which I entirely concur. The settlement of all details connected with them should be left to the senates, which can also decide whether or not the fellows should be employed on tutorial instruction as proposed by Dr. Don.

25. It

‡ Dr. Maclellan, who had greater experience in the medical education of the natives than any one, having been the first, I believe, to attempt to impart medical instruction, properly so called, in India, and having been nearly 30 years engaged in the work.

25. It has been remarked by Dr. Giraud, that the scheme of botanical examination proposed in the appendices to the sub-committee's report, is not adapted to test the attainments of Indian students. The list in section 1, he regards as too extended, and in section 2, he would not select natural orders, that have their chief representatives in extra-tropical countries, but such as are characteristically tropical. He would also attach more importance to structural and physiological botany. I have no doubt that he is quite right; but this also can be better settled, I believe, by the senates.

26. The sub-committee consider that there should be two degrees in medicine, the lower to be called graduate, and the higher, doctor. Graduates, they think, should not be styled doctor, even by courtesy. They would give special rewards and encouragements to high proficient, and believe that the best students would remain in the university (to qualify as doctors of medicine) if they might thereby enter the Government service at once as first-class sub-assistant surgeons, and be advanced rapidly to responsible offices and to higher salaries.

27. I think there should be two degrees, but the lower should be styled bachelors, not graduates; a title, as I have been justly reminded, which is not applicable to inferior and merely inchoate degree. I concur also entirely in the suggestion for securing to doctors a preferential claim to the highest grade of appointments and salaries in the public service, and I trust that this prospect may induce many to persevere in their studies in order to obtain the superior title.

28. Dr. Giraud has suggested that candidates for the degree of doctor should write and defend a pathological thesis, and this seems to be a very good proposal.

29. I must request particular attention to the clear and decided views expressed by Dr. Peet in the able minute which accompanies this paper. I have already stated my concurrence in the opinions urged in paragraphs 3 to 14, and I have now to add, that the remarks in paragraphs 15 to 18 have also my entire approval, and appear to be well worthy of consideration by the authorities in Calcutta. Further study and a higher scientific qualification should, in my judgment, be indispensable in candidates for the higher degree of doctor. Appendix (B.)

30. There is one part of the above arrangement which I have suggested with regret and from necessity, that, namely, which contemplates the admission of other than university students (that is, students possessed of a lower preliminary qualification than the degree of B. A.) to all our professional colleges. This may lead, I am aware, to jealousies and dissatisfaction in particular cases. But I do not see how it is to be avoided. It is not possible either to place restrictions upon general practice at present, or to refuse instruction to all but the highest class of students. To make any attempt at the former measure would be quite preposterous, while the number of skilled practitioners is not sufficient to meet the wants of one-twentieth part of the community; even the latter measure cannot be wisely attempted, for it would infallibly result in one of two serious evils—either a fatal diminution in the number of candidates for professional employment in the lower grades of the public service, or an undue degradation of tests for the higher university distinctions. I feel constrained to conclude, therefore, that as a provisional arrangement general students must still be admitted to study at professional colleges on the same terms as at present, though the terms on which university students are to be admitted should at once be raised. If preliminary tests in connexion with the university be lowered, it will be very difficult to raise them. But if the present practice be merely tolerated while necessary by the colleges, it can be discontinued without difficulty as and when it may be possible to dispense with it.

31. And no doubt the duration of the imperfection will be directly measured by the efforts of Government to improve the prospects and status of the higher graduates. If adequate means of study and motives to study be assiduously provided, there can be no apprehension as to the ultimate result.

32. But I must now refer to the proposal of degrees in civil engineering. The subject is one of great difficulty, and I touch upon it with much diffidence.

33. The Calcutta Sub-committee have made their proposals with reference to the constitution and objects of the civil engineering colleges in Bengal. This seems to be an inversion of the proper method of procedure. The colleges should adapt themselves to the requirements of the university; the university should stand upon its own foundation, and have its own objects; it should know exactly what it intends to require of all candidates for a particular title, and should not be much affected by local peculiarities of the school.

Appendix (C.)

34. Indeed there seems to be some ground for the observation of the chief engineer (in one of the letters now circulated) that the remarks of the sub-committee "indicate a too indefinite conception of the nature and object of the civil engineering degree." They do not seem to have made any great attempt at selection. Now the best claim of such a scheme to commendation must be this, that whereas a selection has to be made, it has here been made in the most judicious manner possible.

35. In substitution of the plan propounded by the sub-committee, which is not approved by officers of experience here, I would strongly recommend an arrangement somewhat similar to that which obtains in the School of Engineering in Dublin. (See the Dublin University Calendar for 1854, pp. 56 to 59.)

36. Supposing that the curriculum in India were framed upon this model, and that no student was admitted to the first year's course until he had passed his B. A. examination, it would be quite possible to compress the professional studies of engineering candidates into three full years, as follows:

1st. 1. Mathematics (ex hypothesi, the candidates would be familiar beforehand with arithmetic, algebra, geometry, conic sections, and plane trigonometry). 2. Theoretical mechanics (they would have been introduced to this study also in the general branch). 3. Chemistry and mineralogy as applied to the acts of construction (they would know a little chemistry); and 4. Drawing and perspective.

2d. 1. Practical mechanics, machinery, and the use of instruments. 2. Mathematical physics (students would have a prior elementary knowledge of natural philosophy and astronomy). 3. Practical chemistry, with field lessons on mineralogy and botany. 4. Drawing, surveying, and levelling. 5. Practical engineering, including buildings, as well as works of communication and irrigation.

3d. 1. Geology and physical geography; of this last a little would have been previously acquired. 2. Sketching, surveying, and levelling in the field. 3. Practical engineering, including railway, manufacturing, and naval works. 4. Field work. 5. Designs and estimates.

37. In addition to this there should, if possible, be good lectures on sanitary engineering; and certainly some thorough practical instruction in the art of building, including carpenters', smiths', and masons' work, knowledge of cements, brickwork, &c.

38. I must deprecate any attempt to give high artistic instruction in architecture to engineering students during their short college curriculum. It would be a premium upon smattering, and would tend, I fear, to make the degrees ridiculous.

39. On the other hand, the suggestion of Colonel Turner and Major Crawford, for a higher degree in the engineering faculty to be conferred, after five years' successful practice, upon men of high attainments who have previously taken the inferior degree, appears to me to be extremely judicious. The association of energetic and distinguished men of this description with the university titles would establish their value in general estimation more than any other measure.

40. The remarks already made as to terms on which general students should be admitted to the medical colleges are equally applicable to those of engineering; and certainly the graduates in this faculty should also be allowed, under
due

due limitations, a preferential claim to employment, in the higher grades of the department of Public Works.

41. I would make no special concessions, as regards general education, to pupils in the civil engineering colleges, as proposed by the sub-committee, and earnestly hope that none will be allowed.

42. Colonel Scott, I perceive, does not consider that any useful distinction can be drawn between a mathematical and civil engineering degree, even as respects the theoretical branch of the subject. In this view I can by no means concur. Thorough mathematical knowledge is no doubt the first and greatest accomplishment of a civil engineer; though in that branch, even, his studies are specialised as they become professional. But he must also have a sound knowledge of experimental physics, especially chemistry and mineralogy; his eye must have been trained to observe, and his faculties to describe, the configuration and peculiarities of every description of country; he must be a practised draftsman, and (apart from his purely practical training) in the application of mathematical principles and formulæ to a certain class of facts; he must have made a progress and acquired a facility which is often quite foreign to the mere mathematician. Of course the purely scientific attainments of the engineer can be tested by examination with more perfect accuracy; but his practical proficiency also can be tested with a sufficient approach to accuracy, and I quite subscribe therefore to the judgment with which General Waddington closes his letter.

Appendix (C)

43. The only remaining professional report is that of the Sub-committee of Law. This committee took the London University as their model. As, however, the law examinations in London are not adapted to a country in which several systems of law and forms of procedure are recognised, they have suggested considerable modifications, especially in regard to municipal law.

44. One professor (according to their scheme) would deliver lectures on general jurisprudence, and on the elements of civil and international law; and the university would also require "a certain degree of practical and technical knowledge of the law of England, in many of its branches."

45. As regards conditions and subjects of examination. They would examine any student one year after he had taken the degree of B.A., or four years after he had entered at the university (even if he had not taken a degree), or at any time after entrance, if he were 21 years of age. They would examine on the general principles of jurisprudence by means of one paper; and on "the several systems of municipal law which obtain in this country," by means of three papers: 1. On personal rights and status, including adoption among Hindoos: 2. On property, including contracts and succession; and, 3. On rights and remedies, including principles of procedure, law of evidence, and criminal law.

46. It seems to me that these measures would be altogether insufficient to secure the object for which they are proposed. As, however, my views on this subject are almost entirely in accordance with those of Mr. Howard, as expressed in the accompanying memorandum; I will merely commend it earnestly to the attention of my colleagues, and of the committee in Calcutta, who cannot fail to be struck by his lucid and forcible statements.

Appendix (D).

47. On two points I think the suggestions of Mr. Howard may be modified with advantage: first, I see no reason for refusing honours at the bachelors' examination; and second, I would not award the doctor's degree until five years after the inferior degree had been taken, and then only to those who had intermediately risen to eminence in the study and practice of the law.

48. With these exceptions I entirely concur in Mr. Howard's remarks, which I have read with the greatest pleasure, and which are full of sound and practical good sense.

49. It cannot be repeated too often, that students must not be encouraged to pass directly from the school-room to a professional career, or to enter upon their special studies without a high preliminary training; neither is it to be imagined that a habit of sound judicial reasoning, and a thorough acquaintance with the principles of legal science, will be acquired by natives of this country in less than three full years of diligent collegiate study.

50. As to the branches of study which should be presented to the student in each year of his legal curriculum. He would have acquired as a part of his general education some knowledge of moral philosophy, logic, and the elements of jurisprudence. His first legal year might commence with a comprehensive review of these subjects, a more searching inquisition into the foundations of law and moral obligation; a systematic classification of the great branches of public and private law; a survey of the history of legal science and national constitutions, with especial details as to the Roman civil law, and the international law of modern Europe. The next year's course might be devoted chiefly to the constitutional and municipal law of England (including those subjects on which the sub-committee wish to propose examination papers), and to the principles of commercial jurisprudence. It might include instruction as to the Indian Government and Legislature; and the status and duties of a good citizen, and a good magistrate, both in India and England. The year should not close without an introductory course on the criminal law, and the laws of procedure and evidence. A more complete course upon these last subjects would open the third year, during which the student should have opportunities of going as deeply as may be necessary into the systems of law administered by the Queen's and Company's Courts respectively, including the proper branches of Hindoo and Mahomedan law.

* Appendix (E).

† Appendix (F).

51. In connexion with this subject, however, I would refer to a very interesting letter from Professor Reid, paragraphs 13 to 20 *, and also to paragraph 12 of his printed introductory lecture †, both of which are among the accompaniments to this paper.

52. As regards the privileges to be associated with law degrees, I think that the graduates in this faculty should be relatively in the same position as the graduates in other faculties. The university should have nothing to do with restrictions upon practice. But its degrees should be universally recognised as certificates of fitness to practise; not that particular courts are to be prevented from requiring special qualifications in those admitted to their bar, but that nothing should exclude a university graduate from any court, except the proved absence of such qualifications.

53. And, especially, the worth and dignity of a legal degree should be openly recognised by the Government. Hereafter all the higher magisterial and judicial offices in the public service should be conferred exclusively upon those who have obtained them, and every anxiety should be shown to secure for their holders an honourable position in society.

54. Before concluding, there are one or two other points to be noticed.

55. On a former occasion I did not sufficiently express the satisfaction with which I had read the remarks of the sub-committee of arts on the study of the classical languages of India. Their observations seemed to me to be excellent, and I trust that we may soon be able to encourage the pursuits they contemplate, and comply with the wishes of the Court of Directors, by appointing European professors of Sanscrit and Arabic, in connexion with the Elphinstone College in Bombay.

56. I noticed before that the omission of chemistry from the university entrance examination seemed to be an error; that science gives such new and fruitful ideas of matter, that an early knowledge of its general principles can hardly fail to be beneficial.

57. I cannot quite account for the omission of political economy from the B. A. examination, nor for the meagre provision therein made for moral philosophy and logic. The local senates, I trust, are to be empowered finally to adjust these standards; otherwise some of them appear to be inadequate.

58. It has been suggested that some means might be adopted for expressing, in the title of a bachelor of arts, the branch, if any, in which he has graduated with honours. It is certainly true, that whereas the great object in ordinary pass examinations must be to fix and maintain a general level of merit, in the honour examination the object is to measure the special height to which individuals can rise in a particular study.

59. There

59. There should, I think, be a power in the university to confer occasional honorary degrees (without examination) upon distinguished authors and men of genius, when such may appear.

60. I may notice, in conclusion, that on perusing Mr. Lumsden's minute, I became aware that the last draft report of the sub-committee of arts differs from that which I had before perused. The original draft proposed to dispense with "the principle of affiliation;" the present draft proposes to retain it. My own view on this point is expressed in paragraph 11 of a former minute, and remains unchanged. Indeed, although I can quite understand why many persons are in favour of affiliation, even in this country, and why others are opposed to it altogether, I cannot quite understand what is signified by affiliation in the present draft of this report; it is to be an affiliation without selection, and consequently without responsibility on the part of the parent; it is to be an adoption of all and sundry of every college or school, large or small, public or private, provided only it may be called respectable. Surely this is altogether inconsistent. This unrestricted application of a restrictive principle has, no doubt, been forced upon the committee by a consideration of the difficulties to which any limitations would give rise; but, for this very reason, I would suggest and strongly urge that it will be better at once to abandon a system which, as they evidently perceive, cannot here be enforced in its integrity.

9 November 1855.

(signed) *Elphinstone.*

In Bombay Public Letter (No. 43), 1856, para. 12.

EXTRACT from the Proceedings of Government in the General Department,

(No. 1521).

FROM the Officiating Secretary to the Government of India.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 2803, dated the 17th September last, submitting for approval copy of rules for regulating grants in aid of education in the Bombay Presidency, and in reply to communicate the following observations.

Home Department.
Education.

2. His Honour the President in Council thinks that as the present rules, following the course already taken at the other Presidencies, can be only provisional, it will be better at present to omit such generally descriptive rules as 1 and 2.

3. His Honour in Council considers the corresponding rule approved for the other Presidencies, taken almost verbatim from the Honourable Court's order, better at all events as a provisional rule than Rule 3.

4. Rule 4 should in the opinion of the President in Council be altered in conformity with the wording of the orders of the Honourable the Court of Directors, which have been adopted verbatim for the other Presidencies.

5. Clauses 3, 4, and 5, in the Rule 19, apply rather to the person who is to gain the scholarship than to the course of instruction referred to in that rule. Clause 5, Rule 7, should be limited to secular instruction.

6. The rest of the rules appear to his Honour in Council, in a general view, unobjectionable.

7. If the Right Honourable the Governor in Council think it advisable to put forth, as provisional rules sanctioned by the Government of India, rules so much in detail as those under review, the Honourable the President in Council would authorise his Lordship in Council to do so after the amendments pointed out are made.

8. But the President in Council would suggest for the consideration of his Lordship in Council, whether it might not be advisable, as none but provisional rules can yet be settled, to follow the example of the other local Governments, by putting forth under the sanction of the Government of India, none but

very general rules founded on the Honourable Court's despatch, leaving the Government of Bombay entirely at liberty to adopt for the present any further rules of detail not inconsistent therewith (such as those now submitted), if thought proper.

9. If the Right Honourable the Governor in Council should on consideration prefer this plan, his Honour in Council authorises his Lordship in Council to adopt as provisional rules the rules now provisionally adopted either in Madras, Bengal, or the North Western Provinces, whichever his Lordship in Council may prefer, and for which purpose copies of the several rules are enclosed. I am to add that his Honour in Council decidedly prefers Rule 3 of the North Western Provinces' rules to the corresponding Bengal rule, whose modification is now under consideration.

I have, &c.

(signed) *J. W. Dalrymple,*

Officiating Secretary to the Government of India.

Fort William, 23 November 1855.

PROVISIONAL RULES for Grants in Aid of Education in the North Western Provinces of the Presidency of Bengal, according to the Despatch of the Honourable the Court of Directors, No. 49, dated 19th July 1854.

1. THE local Government at its discretion, and upon such conditions as may seem fit in each case (reference being had to the requirements of each district as compared with others, and to the funds at the disposal of Government), will grant aid, in money, books, or otherwise, to any school in which a good secular education is given through the medium either of English or the vernacular tongue to males or females, or both, and which is under adequate local management.

2. In respect to any such school for which application for aid is made, full information must be supplied on the following points :

1st. The pecuniary resources, permanent and temporary, on which the school depends for support.

2d. The average annual expenditure on the school.

3d. The average number of pupils instructed, the ages of the pupils, and the average duration of their attendance at the school.

4th. The persons responsible for the management and permanence of the school, and the time for which they will continue to be responsible.

5th. The nature and course of instruction imparted.

6th. The number, names, and salaries of the masters and mistresses, and subjects taught by each.

7th. The books in use in the several classes of the school.

8th. The nature and amount of aid sought, and the purpose to which it is to be supplied.

3. Any school to which aid may be given shall be at all times open to inspection and examination, together with all its records, which may be required to show the course and method of teaching observed in it, by any officer appointed by the local Government for the purpose. Such inspection and examination shall have no reference to religious instruction, but only to secular education.

4. The Government will not in any manner interfere with the actual management of a school thus aided, but will seek, upon the frequent reports of its inspectors, to judge from results whether a good secular education is practically imparted or not ; and it will withdraw its aid from any school which may be for any considerable period unfavourably reported upon in this respect.

5. In giving grants in aid, the Government will observe the following general principles. Grants in aid will be given to those schools only (with the exception of normal schools) at which some fee, however small, is required from the

the scholars, and whenever it is possible to do so, they will be appropriated to specific objects, according to the peculiar wants of each school and district.

6. No grant will in any case exceed in amount the sum expended on the institution from private sources, and the Government will always endeavour so to give its aid that the effect shall not be the substitution of public for private expenditure, but the increase and improvement of education.

7. It is to be distinctly understood that grants in aid will be awarded only on the principle of perfect religious neutrality, and that no preference will be given to any school on the ground that any particular religious doctrines are taught or not taught therein.

(True copy.)

(signed) *J. W. Dalrymple*,
Officiating Secretary to the Government of India.

NOTIFICATION.

1. WITH reference to paras. 51 to 62 of the Honourable Court of Directors' Educational Despatch to the Government of India, dated the 19th July 1854, the Director of Public Instruction gives notice that he is prepared to receive applications for grants in aid of schools either already established, or proposed to be established by private subscriptions or endowments.

2. These grants will be made with a special view to the extension and improvement of the secular education of the people, and will be given impartially to all schools, whether male or female, Anglo-vernacular or vernacular (so far as the requirements of each particular district, as compared with others, and the funds at the disposal of Government, may render it desirable), which impart a sound secular education, and the managers of which may consent to submit to the conditions mentioned below. It will be essential to the consideration of applications for aid that the schools on behalf of which they are preferred should be under the management of one or more persons who, in the capacity of proprietors, patrons, trustees, or members of a committee, elected by the society or association by which the school may have been founded, will be prepared to undertake the general superintendence of the school, and to be answerable for its permanence for some given time.

3. No grants will exceed the amount of funds raised from local or other sources for the purposes for which the grant is sought; and as a general principle, except in the case of normal schools for training teachers, grants will be made only for special purposes, and not in the form of simple contributions in aid of the general expenses of a school.

4. Except in the case of normal schools for training teachers, grants will be restricted to those schools in which some fee, however small, is exacted from the scholars.

5. All applications for grants must be accompanied by a declaration, that the applicants are prepared to subject the school on behalf of which the application is made to the inspection of a Government inspector, such inspection and examination having no reference to religious instruction, but only to secular education. The applicants must further declare their willingness to conform to the conditions hereunder specified for the regulation of such grants, and no grant will be made until it shall have been ascertained from the report of an inspector—

1st. That the case is deserving of assistance.

2d. That the grant applied for will not supersede the efforts of associations or individuals.

6. The following are the specific objects for which grants will be given :—

1st. The erection, enlargement, or repair of school buildings.

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2d. The provision of school furniture.

3d. The augmentation of the salaries of the teachers, or provision of additional teachers.

4th. The provision of stipends for pupil teachers, and of gratuities to teachers who undertake to instruct them.

5th. The provision of school books, maps, and school apparatus at reduced prices, according to the circumstances of the case.

7. The following are the conditions upon which grants will be made for the objects specified :—

1st. It will be a condition of all grants towards the erection, enlargement, or repair of school buildings, that such rules as shall be laid down in regard to the dimensions and arrangements of the school buildings, with reference to the number of scholars they are designed to accommodate, shall be duly observed, and that the permanent assignment of the buildings for school purposes shall be adequately secured.

2d. Applications for grants for the provision of school furniture must be accompanied by a declaration on the part of the applicants, that they will be personally responsible for the due preservation of the furniture of the school, and for its being reserved for the purposes for which it is supplied.

3d. Applications for grants in augmentation of the salaries of teachers, or for providing additional teachers, like other applications for aid, will be referred to a Government inspector for report on the merits of the school and qualifications of the teachers, and their continuance will depend upon the periodical reports of the inspector on the merits and proficiency of the teachers, as ascertained at his periodical examinations of the school.

4th. Grants for the payment of stipends to pupil teachers will be made only to those schools in regard to which the inspector may report that the master is competent to instruct such pupil teachers; and the continuance of such stipends, as well as the amount of gratuities to be assigned to the masters for the instruction of the pupil teachers, will depend upon the proficiency of the latter.

5th. Grants of school books, maps, or apparatus, at reduced prices, will be accompanied by the condition that the books shall be appropriated *bonâ fide* to the use of the masters and scholars, and that due means shall be taken for their preservation.

8. Grants will also be given in aid of scholarships and of stipends for normal students, the rules for which will be notified hereafter.

9. No payments will be made by Government until the proportion of funds which, under the conditions of the grant, is to be contributed from local or other sources shall have been actually paid.

10. It is to be distinctly understood that grants in aid will be awarded only on the principle of perfect religious neutrality, and that no preference will be given to any school on the ground that any particular religious doctrines are taught or not taught therein.

(True copy.)

(signed) *J. W. Dalrymple,*

Officiating Secretary to the Government of India.

PROVISIONAL RULES for Grants in Aid of Education in the Lower Provinces of the Presidency of Bengal, according to the Despatch of the Honourable the Court of Directors, No. 49, dated the 19th July 1854.

1. THE local Government, at its discretion, and upon such conditions as may seem fit in each case (reference being had to the requirements of each district,
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as compared with others, and to the funds at the disposal of Government), will grant aid in money, books, or otherwise, to any school in which a good secular education is given through the medium either of English or the vernacular tongue, to males or females, or both, and which is under adequate local management.

2. In respect of any such school for which application for aid is made, full information must be supplied on the following points:—

1st. The pecuniary resources, permanent and temporary, on which the school depends for support.

2d. The average annual expenditure on the school.

3d. The average number of pupils instructed, the ages of the pupils, and the average duration of their attendance at the school.

4th. The persons responsible for the management and permanence of the school, and the time for which they will continue to be responsible.

5th. The nature and course of instruction imparted.

6th. The number, names, and salaries of the masters and mistresses, and subjects taught by each.

7th. The books in use in the several classes of the school.

8th. The nature and amount of aid sought, and the purpose to which it is to be supplied.

3. Any school to which aid may be given shall be at all times open to inspection and examination, together with all its accounts, books, and other records, by any officer appointed by the local Government for the purpose; such inspection and examination shall have no reference to religious instruction, but only to secular education.

4. The Government will not in any manner interfere with the actual management of a school thus aided, but will seek upon the frequent reports of its inspectors to judge from results whether a good secular education is practically imparted or not, and it will withdraw its aid from any school which may be for any considerable period unfavourably reported upon in this respect.

5. In giving grants in aid, the Government will observe the following general principles: Grants in aid will be given to those schools only (with the exception of normal schools) at which some fee, however small, is required from the scholars; and wherever it is possible to do so, they will be appropriated to specific objects, according to the peculiar wants of each school and district.

6. No grant will in any case exceed in amount the sum expended on the institution from private sources, and the Government will always endeavour so to give its aid that the effect shall not be the substitution of public for private expenditure, but the increase and improvement of education.

7. It is to be distinctly understood that grants in aid will be awarded only on the principle of perfect religious neutrality, and that no preference will be given to any school on the ground that any particular religious doctrines are taught or not taught therein.

(True copy.)

(signed) *J. W. Dalrymple*,
Officiating Secretary to the Government of India.

(No. 24 of 1856.)

Ranpoor, Office of the Director of Public Instruction,
4 January 1856.

REPORT by the Director of Public Instruction, as requested in Mr. Secretary
Hart's Memorandum (No. 3595), dated 11 December 1855.

IN para. 7 of this letter the Government of India authorise the Bombay Government to publish, if they deem it advisable, as provisional rules sanc-
72. T 2 tioned

tioned by them, the rules submitted with my letter (No. 377) of the 30th August last, after making certain amendments referred to in paragraphs 2 to 5.

See Para. 2 of the letter from the Government of India.

2. As regards the suggested amendments, there can be no objection to the substitution for rules 1 and 2 of any other heading which Government may prefer; but I must point out that these rules are mere extracts, taken almost verbatim from paragraphs 52 and 53 of the Honourable Court's despatch (No. 49) of the 19th July 1854.

3. As regards rule 3, it cannot be worth while to delay the publication of the whole notice for the purpose of discussing the superiority of one or another form of rule. I must, however, in this case also point out, with reference to the remark in paragraph 3, that the rule, as drafted by me, seems to be more nearly a literal compilation of extracts from paras. 53 and 56 of the Honourable Court's despatch than any corresponding rule which I can find in the papers now forwarded to me.

4. Adverting to para. 4 of the letter from the Government of India, I have quoted in parallel columns on the margin * the rule (No. 4) proposed by me, and the words of para. 54 of the Honourable Court's despatch from which it is taken, so that his Lordship in Council may see how far I have diverged from the Honourable Court's instructions, and may substitute the *ipsissima verba* of the despatch, if he considers it necessary. It seems to me that the term scholar had better be restricted to holders of scholarship.

5. With advertence to para. 5 of the letter from the Supreme Government, I would suggest that in clause 3 of rule 19 the words "he must know" should be omitted (at the beginning); in clause 4 the words "he should be acquainted with;" and in clause 5 the words "he should have read." The word "secular" should also be inserted before "instruction" in clause 5 of rule 7.

6. Should his Lordship in Council accede to my recommendation that the rules be now published without delay, I would suggest that the notification should be prefaced by a few words to the effect of paras. 2 and 3 of my letter (No. 377) of the 30th August last.

(signed) C. J. Erskine,
Director of Public Instruction.

MINUTE by the Right Honourable the Governor.

V. 445.

UNDER the conditional sanction conveyed in Mr. Dalrymple's letter, I think that the rules, with the amendments suggested in para. 5 of Mr. Erskine's official memorandum of 4th January 1856, should now be published. They appear to me to possess some advantages over the more general ones which have been issued in Bengal and in the North-Western Provinces, inasmuch as they afford much more information as to the conditions upon which grants in aid will be given, information which must be of use to all those who may think of availing themselves of their provisions; they have also been communicated to, and are approved of by many who are anxious to benefit by them, as well as by all the officers of the Department of Public Instruction.

Upon these grounds, I prefer the more detailed rules which have been submitted by Mr. Erskine, and adopted by this Government, to the more general rules which have been published elsewhere; the very fact of their being professedly only provisional, disposes I think of the only objection which can be urged against them, as they can be modified wherever they are found to require amendment.

The

* Wording of Rule 4 as drafted by me: "Grants in aid will generally be accorded only to schools in which some fee, however small, is paid by the pupils, except normal schools."

Wording of the last clause of para. 54 of the despatch: "Grants in aid shall, as a general principle, be made to such schools only (with the exception of normal schools) as require some fee, however small, from their scholars."

The President in Council was probably not aware that the four first rules were taken almost verbatim from the Honourable Court's despatch, or he would not have directed us to omit the two first, and to modify the others. It cannot be necessary to suppress what has been already promulgated by the Honourable Court. If it is thought necessary, the verbal alterations which we are directed to make in the 3d and 4th rules can be introduced; but I cannot say that I consider them improvements.

4 January 1856.

(signed) *Elphinstone.*

MINUTE by the Honourable Mr. *J. G. Lumsden.*

IN consideration of what is stated by our President, that the rules compiled by Mr. Erskine "have been communicated to, and are approved of by many who are anxious to benefit by them," I shall not object to our taking advantage of the qualified sanction to publish them as provisional rules given by the Government of India in the 7th para. of Mr. Dalrymple's letter.

V. 446.

As regards the alterations, I think the directions of the President in Council had better be followed. The identity of the first rules with the instructions in the Honourable Court's despatch can be pointed out.

12 January 1856.

(signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *A. Malet.*

I THINK Mr. Erskine's rules are very good, but that in deference to the wishes of the Honourable President in Council, it is advisable to make the alteration suggested by him.

V. 447.

12 January 1856.

(signed) *A. Malet.*

Further MINUTE by the Right Honourable the Governor.

WITH the utmost deference for the President in Council, I prefer the rules which were recommended by this Government, and I think that we should avail ourselves of his Honor's permission to adopt them provisionally.

V. 448.

18 January 1856.

(signed) *Elphinstone.*

Further MINUTE by the Honourable Mr. *J. G. Lumsden.*

I UNDERSTAND that he only allows us to adopt them provisionally, with the alterations he suggests.

V. 449.

21 January 1856.

(signed) *J. G. Lumsden.*

Further MINUTE by the Honourable Mr. *A. Malet.*

I do not object.

21 January 1856.

(signed) *A. Malet.*

V. 450.

(No. 297 of 1856.)

To the Director of Public Instruction.

Sir,

I AM directed to inform you that the provisional rules for grants in aid of education proposed by you, revised as suggested in your memorandum No. 24, dated 4th January 1856, will be published in the next Government Gazette.

V. 451.

I have, &c.

(signed) *W. Hart,*
Secretary to Government.

Bombay Castle.

NOTIFICATION.

V. 452.

The following provisional rules for grants in aid of education in the Bombay Presidency are published for general information, with the sanction of the Government of India.

This system of Government grants in aid is founded on an entire abstinence from interference with the religious doctrines inculcated in the schools to be aided. The officers who are to visit and inspect schools on behalf of Government have accordingly been instructed not to notice religious teaching either in their examinations or reports.

All parties desirous of participating in these grants, and prepared to accept them on the conditions indicated, should communicate with the nearest visitor of schools, or educational inspector.

Rules.

1. The system of grants in aid, which is stated to have been successfully carried out in England, is to be adopted in this Presidency.

2. This system is based upon an entire abstinence from interference with the religious instruction conveyed in the school assisted.

3. Aid will be given, as far as possible, to all schools in which a good secular education is imparted, or in which the secular knowledge conveyed is such as to entitle the school to consideration in the distribution of the sums applied to grants in aid; provided always—

1st. That the schools to be assisted are under the local management of private patrons, voluntary subscribers, or trustees of endowments, who will undertake the general superintendence, and guarantee the continuance of the school for a given time; and,

2d. That the managers consent to Government inspection, and agree to the conditions by which the grants are to be regulated.

4. Grants in aid will generally be accorded only to schools in which some fee, however small, is paid by the pupils, except normal schools.

5. Grants will be appropriated to specific objects; as, for instance, augmenting the salaries of head masters and masters; supplying junior teachers; founding, wholly or in part, scholarships. They will not be given as mere contributions in aid of general expenses.

6. Aid may be given to all schools and institutions in which the required conditions are fulfilled, whether they be Anglo-vernacular or vernacular, and whether for males or females.

7. Grants will be made only upon written applications, specifying clearly,

1st. The fund appropriated from private or local sources towards the maintenance of the school.

2d. The exact charges upon those funds.

3d. The persons responsible for the management of the school, and how long they will guarantee its continuance.

4th. The average number, ages, and duration of attendance of pupils.

5th. The course of secular instruction imparted, including the books used in several classes.

8. A Government grant will in no case be paid until the proportion of local and private contributions be duly brought forward.

9. The Government grant to any school will not exceed in amount the sum expended on it by private persons or by associations, and will be conditional on increased activity on the part of the inhabitants or supporters of the school, who will certify in their applications that the sum to be annually expended on the school from private and local funds is not less than that so expended during each of the last three years.

10. The

10. The management of aided schools will be vested solely in the local committees or trustees.

11. In the first instance, aid will not generally be given to any school at which the average number of pupils shall be less than 25, or in which the pupils daily attending shall ordinarily fall below the number on the register by more than 14 per cent.

12. Aid in the shape of scholarships will not be given to any village or primary vernacular school, unless the inspector shall be satisfied that the pupils are therein thoroughly trained and grounded on a good system. The exact nature and extent of attainments to be required in such schools, as the condition of a grant, will hereafter be defined.

13. It will be specially noticed, in regard to each school recommended for a grant in aid, whether or not the native mode of keeping accounts, and of computing interest, be thoroughly taught there.

14. No scholarship connected with any village or primary vernacular school will be of a higher value than three rupees per mensem; or will be obtainable until the candidate shall have passed a satisfactory examination in the branches taught in the school; or will be held by any but a pupil attending some Government or inspected superior vernacular school; and not even by such an one for a period exceeding two years. It will be liable to forfeiture at any time from misconduct or unsatisfactory progress.

15. There will not be more than one scholarship annually available in any village or primary vernacular school, unless the attainments and the number of pupils be both remarkably great.

16. Aid in the shape of augmented salary to masters will not ordinarily be granted to any village or primary vernacular school, unless the inspector be satisfied that the state of the local or private funds obliges the managers to fix the pay of the masters at a rate lower than that laid down in the scale of salaries on the margin,* and that he is really a competent teacher, and his pupils thoroughly instructed in the branches taught in the school.

17. In cases of extraordinary merit on the part of a teacher, the limit of pay prescribed in the above rule may sometimes be exceeded. A deserving schoolmaster will also be encouraged to look for reward in the way of promotion in the Department of Education, or in some other branch of the public service.

18. The continuance of all grants in aid of the pay of village and primary vernacular schoolmasters will depend on the continued good reports of the inspectors.

19. Aid in the shape of scholarships will not be given to any superior vernacular school, unless the inspector shall be satisfied that the pupils are therein thoroughly instructed in the branches specified in the margin.†

20. No

* In a school containing from 25 to 60 pupils, 10 rupees per mensem.

„	„	„	60 to 100	„	15	„	„
„	„	„	100 to 150	„	20	„	„
„	„	„	above 150 - - -	„	25	„	„

† 1. To read his vernacular language with fluency; to write it from dictation correctly, and in a fair legible hand.

2. To correct obvious instances of false grammar, and to parse and explain the meaning of a passage in any of the class books.

3. The common rules of arithmetic, vulgar and decimal fractions, simple and compound proportion, practice; involution and evolution; the native mode of keeping accounts; algebra, as far as simple equations, and at least the first 34 propositions of Hutton's Geometry.

4. In Geography—The definitions, the figure and magnitude of the earth, the principal mountains and rivers, the boundaries of the different countries of Asia and Europe, and the capitals or chief cities in each; the particular geography of India, and especially of the zillah in which the talookas are situated.

5. In History—The Introduction to the History of India, and History of Maharastra. (N.B.—Not yet published in Guzeratee.)

20. No scholarship connected with any superior vernacular school will be of higher value than 5 rupees per mensem; or will be obtainable until the candidate shall have passed a satisfactory examination in the branches above enumerated; or will be retainable by any but a pupil attending the zilla school, or some inspected school (in the zillah) at which English is taught. Such scholarships will be tenable for three years, but liable to forfeiture at any time from misconduct or unsatisfactory progress.

21. The number of scholarships available in a superior vernacular school will not generally exceed 2 per cent. of the number of pupils regularly attending the same.

22. Aid in the shape of augmented salary to masters will not ordinarily be granted to any superior vernacular school, unless the inspector shall be satisfied that the state of the local and private funds obliges the managers to fix the pay of the master at a rate lower than those named in the margin;* and that he is competent to teach the branches named in the margin;† and, finally, that the pupils are thoroughly instructed in the branches taught in the school.

23. In cases of extraordinary merit on the part of a teacher, the limit of pay prescribed in the above rule may be exceeded, with the sanction of the Director.

24. The continuance of all grants in aid of the pay of superior vernacular schoolmasters will depend on the continued good reports of the inspectors.

25. Aid in the shape of scholarships will not be given to any zillah school, unless the inspector shall be satisfied that the pupils are therein thoroughly instructed in the branches specified on the margin.‡

26. No scholarships connected with any zillah school will be of a higher value than seven rupees per mensem, or will be obtainable until the candidate shall have passed a satisfactory examination in the branches above enumerated, or will be retainable by any but a pupil attending some provincial or inspected college; such scholarships will be tenable for three years, but liable to forfeiture at any time from misconduct, or unsatisfactory conduct.

27. The

* In a school containing 40 to 100 pupils, 25 rupees.

„	„	100 to 150	„	32	„
„	„	above 150	„	40	„

† In addition to the standard for pupils:—

1. The elements of Physical Geography and Political Economy.
2. History of British India and England.
3. Algebra, as far as quadratic equations; the first three books of Euclid; Practical Geometry.

‡ VERNACULAR BRANCH.

1. To read his vernacular language correctly and fluently, either from a printed book or ordinary manuscript, and to write accurately from dictation.

2. To parse and explain the meaning of a passage selected from any of the books he has read.

3. The outlines of geography and astronomy, the particular geography of India, especially of his own zillah, the geography and history of Maharastra, and the Introduction to the History of India.

4. The common rules of arithmetic; simple and compound proportion, vulgar and decimal fractions, interest, extraction of the square and cube root; native accounts; mensuration of planes and solids; algebra, as far as quadratic equations; 40 propositions of Hutten's Geometry; plane trigonometry; natural philosophy for beginners.

ENGLISH BRANCH.

1. To read correctly and fluently, both in his vernacular language and English, either from a printed book or ordinary manuscript.

2. To translate accurately from English into his vernacular, and from his vernacular into English, and to write out these translations, in a fair legible hand, in both languages.

3. To parse and explain the meaning of a passage selected from any of the books he has read.

4. Outlines of astronomy; general and political geography of the four quarters of the world; particular geography of India, particularly of his own zillah; outlines of the History of India and of England.

5. The common rules of arithmetic; simple and compound proportion, vulgar and decimal fractions, interest; algebra, as far as quadratic equations, the first six books of Euclid, and plane trigonometry.

27. The number of scholarships to be available in a Zilla school, will not generally exceed three per cent. of the number of pupils regularly attending the same.

28. Aid in the shape of augmented salary to masters, will not be granted to any Zilla school, unless the inspector shall be satisfied, and shall report that the master is possessed of undoubted merit and qualifications.

29. Aid in the shape of augmented salary to assistant masters will not at first be granted in the proportion of more than one assistant to 75 pupils.

30. The continuance of grants in aid of the pay of Zilla or other English schoolmasters, will depend on the continued good reports of the inspectors.

31. Masters in aided schools, whose salaries are paid wholly, or in part, by Government, will be subordinate to the local managers alone, and will not in any way be regarded as Government servants. The local managers will take care that their masters are of good moral character.

32. For private schools, girls' schools, industrial schools, and the higher kinds of educational institutions in the larger towns, no definite scales can be fixed. Special reports and recommendations will be made in each case by the inspector, who will be guided as far as possible by the analogy of the preceding rules.

33. In special cases, grants may be made, with the sanction of the director, in aid of school buildings, and also grants of school and other books, and specimens for museums, &c. But these will not generally be accorded, except in cases wherein special efforts have been made by the community, or local society thus assisted.

34. When a grant towards school buildings is desired, the local managers will undertake in the outset, to observe the Government rules relative to sites, dimensions, and arrangements of school houses, and to make a regular assignment of the buildings for school purposes.

35. When a grant for the purchase of school furniture, or a grant of school books, maps, or apparatus is desired, the local managers will undertake to be responsible for the due preservation of the same, and for their application to the purposes for which they are to be supplied.

36. No grant for the payment of pupil teachers will be made to any school unless it shall be certified that the master is fully competent to train such pupil teachers, and that the pupils to be paid have been present (after examination) at least one year in his school.

37. The inspection of aided school is regarded as a means of co-operation between Government and the local managers, who will thus have an opportunity of ascertaining what improvements in the apparatus and internal arrangement of schools, in school management and discipline, and in the method of teaching, have been sanctioned by the most recent experience.

38. The above rules indicate generally the limits within which Government grants will be made. The award of any particular grant, however, and the extent of it, will ultimately depend on the comparative merits of each school applying for aid, with reference to the total sum at the disposal of Government for distribution in that manner.

By order of the Right Honourable the Governor in Council.

(signed) *W. Hart,*
Secretary to Government.

(True extract.)

W. Hart,
Secretary to Government.

(No. 1906.)

Fort William, Home Department, Education, 12 December 1856.

READ again, the despatch from the Honourable the Court of Directors, in the Public Department, No. 49, dated the 19th July 1854, on the subject of Education in India.

26 January 1855,
Nos. 147 to 159.

Read again, the papers on the subject, recorded on the Consultation of the date noted in the margin.

Read again, the letter addressed to the Honourable the Court of Directors, under date the 26th January 1855, reporting the measures adopted for giving effect to the Honourable Court's instructions on the subject of general education.

Read again, the Honourable Court's reply, No. 65 of 1855, dated the 27th June.

7 Sept. 1855, No.
40:
12 Oct. 1855, No.
46.

Read again, the papers recorded on the Consultations of the dates noted in the margin.

Read again, the letter, No. 88 of 1855, addressed to the Honourable the Court of Directors, under date the 12th October.

Read the Report of the University Committee, dated 7th August 1856, with its eleven enclosures.

Read the following Minutes :—

By the Governor-General, dated the 15th November 1856.

„ Honourable J. A. Dorin, dated the 24th November 1856.

„ Major-General the Honourable J. Low, dated the 25th November 1856.

„ Honourable J. P. Grant, dated the 29th November 1856.

„ Honourable B. Peacock, dated the 1st December 1856.

Read also, the draft of a Bill submitted by the secretary, for the incorporation of the Universities of Calcutta, Madras, and Bombay.

RESOLUTION.

1. In conformity with the directions of the Honourable Court of Directors, as contained in paras. 24 to 35 of their despatch in the Public Department, No. 49, dated the 19th July 1854, a committee was appointed, on the 26th January 1855, to prepare a scheme for the establishment of universities in the presidency towns of Calcutta, Madras, and Bombay.

2. When the committee was appointed, some doubt was felt as to whether the Honourable Court desired the Government of India to proceed at once, on receiving the report of the committee, to the establishment of universities, or whether they desired that a further reference should be made to them on the subject. This doubt has been removed by the Honourable Court, in their despatch of the 27th June 1855 (para. 6), in which they say :—“ We are of opinion, that all the measures necessary for the constitution of the universities should, in the first instance, proceed directly from your Government, and we accordingly authorise you to proceed in the matter in such a way as may seem best to you, without further reference to us. We would only remark, that we approve your intention, that the universities, at the different Presidencies, should be formed on the same general basis, leaving it to the senates of the several universities to form the detailed rules, with such variations as local circumstances may render advisable.”

3. The committee having now submitted their report, dated the 7th August last, the Governor-General in Council proceeds at once to take into consideration the establishment of the universities at the three Presidency towns, in accordance with the views of the Honourable Court.

4. In the orders of the Government of India, appointing the committee, it was observed, “ that the details of a scheme, in accordance with the outline sketched in the despatch, should be settled with as little delay as possible, so that bills for the incorporation of the universities at Calcutta, Madras, and Bombay, may, at the proper time, be brought into the Legislative Council, and that draft rules for examinations, for the grant of degrees, and for other cognate matters, may be ready for discussion and adoption by the senates so soon as those bills are passed into law.” The committee, therefore, though at the commencement of their proceedings they appointed a sub-committee to prepare the drafts of bills for

for the incorporation of the universities, and though such drafts were actually prepared, considered eventually "that this was a matter beyond their province, and that the appointment of the senates, and the framing of rules for their guidance, whether under the sanction of law or otherwise, must rest, in the first instance at least, with the Governor-General in Council." They have not, in short, dealt with the constitution of the universities, or of the governing bodies, but have addressed themselves exclusively to the system of examination for entrance degrees and honours in the several branches of arts, medicine, law, and civil engineering.

5. The thanks of the Government are largely due to the members of the committee, for the careful and complete manner in which they have discharged their trust, amongst pressing avocations and claims upon their time, which, with many, can have left little room for additional labours. The work has been admirably performed, and the Governor-General in Council has no hesitation in adopting, unreservedly, the scheme of the committee, which, with few exceptions, is strictly in accordance with the views expressed by the Honourable Court, in their Despatch of 19th July 1854, and by the Government of India in the letter appointing the committee.

6. As regards the examination upon entrance, the Governor-General in Council entirely agrees with the committee in the opinion that it ought to be required. His Lordship in Council believes that the mode in which it is proposed to hold it is the most convenient that could be adopted, and that the standard is fixed judiciously.

7. His Lordship in Council thinks that the committee have given good reasons for not departing from the titles of Bachelor of Arts and Master of Arts, which are familiar, and have a recognised value in England and throughout Europe; and that they have done well in making the higher degree in itself the mark of honours awarded.

8. In respect of the examination for the first degree, although it is with some distrust that the Governor-General in Council expresses an opinion different from that formed by the committee after careful consideration, his Lordship in Council is of opinion that conditions somewhat more precise might, with advantage, have been laid down as an indication of the minimum of acquirements which should entitle a candidate to that degree.

9. According to the views of the committee, this minimum is to be determined by the examiners acting under the instructions of the senate; and no doubt, whatever rules the committee might have framed, the application of them in practice, and a consistent adherence to them, would depend mainly upon the examiners. Nevertheless, his Lordship in Council would have been glad if, without attempting to define accurately the minimum to be exacted in each branch of study (which, indeed, would be impracticable), it had been declared indispensably necessary that a thorough and perfect knowledge of some branches up to a certain point, or a complete mastery of certain recognised text-books, should be exhibited, not as in itself sufficient to secure even a bare degree, but as a *sine quâ non*, without which no degree should be granted.

10. Mathematics up to a certain stage, or the elements of logic as treated in the works of one or other standard writer, might be prescribed as subjects upon which the knowledge of the candidates would be as strictly and thoroughly tested, as in the case of their own vernacular language, a critical knowledge of which is wisely insisted upon.

11. The Governor-General in Council considers, that some such rule would be beneficial, as enjoining exactness and completeness of knowledge, and as indicating that, though the amount required is described as "moderate," that which is known should be known thoroughly. The habit of discursive reading, and the acquisition thereby of superficial knowledge, are always dangerously seductive to students, and are too often encouraged by teachers; and the wide range of study to which even those who aim at the lowest degree are invited may increase the danger. That the range should be wide is, in itself, quite right; but the fact that it is so seems to call for some counteracting inducement to close and accurate study.

12. With these observations, the Governor-General in Council will leave the further consideration of this important point to the senates.

13. The Governor-General in Council cordially agrees in the decision to which the committee have come in admitting the evidences of revealed religion as contained in Butler's Analogy and Paley's Evidences, as one of the subjects which a candidate for honours in the mental and moral sciences may select for examination. The subject being entirely optional, and consideration being had for the studies pursued in affiliated institutions, in some of which Theology will hold a prominent place, his Lordship in Council cannot think that this will be deemed by the Honourable Court to be an infringement of the spirit of their injunction that the examination for degrees should not include subjects connected with religious belief.

14. The rules by which degrees in medicine and in civil engineering are to be governed call for no observation.

15. It is recommended that there shall be but one degree in Law, and that a degree in Arts shall be a necessary condition of obtaining it, provided that the standard of an ordinary degree in Arts is not fixed so high as to make it too severe a test of the general education of a law student: The Governor-General in Council is of opinion that the standard of an ordinary degree in Arts ought not to be, and is not in the committee's scheme, fixed so high as to give any reasonable ground for such an objection.

16. Whether a degree in law shall be made a condition of admission to the bar, or to the judicial service of the Company, will be determined by the Government hereafter. The question must be decided solely upon a consideration of what may most conduce to a sound administration of the law, and it would be quite premature to discuss it before the university has come into active operation, and has been proved. The course of study in the university has properly been fixed without reference to the decision which may be taken upon this point.

17. The committee have recommended that the proceedings of the senates of the several universities should be subject to the control of a central authority, such as the Governor-General in Council, so that general uniformity may be observed, and that, in the words of the Government, "at each Presidency town the same degree of acquirement, in every branch of knowledge, should entitle its possessor to the same kind of academical distinction and honour." This will be very necessary. That the several universities may differ from each other in respect of the particular branch of learning which each may most successfully cultivate, and that with time each will assume a distinctive character and merits of its own, is very probable; but it is essential that the degrees and honours which each will have to confer should, respectively, mark the same amount of acquirement and merit.

18. For this purpose, and in order to preserve a general harmony of constitution, but with no desire to enforce vigorous uniformity in matters in which local considerations and the judgment of the local governments may beneficially have free scope, it will be necessary that the proceedings of each senate should be reported to the Government of India, and that all bye-laws and regulations passed by them should receive the sanction of the Governor-General in Council.

19. The draft of a Bill for the incorporation of the University of Calcutta, with suitable adaptations for the other Presidencies, has been approved generally by the Governor-General in Council, and will be placed in the hands of the Honourable Sir James Colville, whom it is proposed to name Vice-Chancellor of the university, with a request that his Honor will take charge of it in the Legislative Council.

20. The Governor-General in Council is hereby pleased to declare, in anticipation of the Act of the Legislature, that the Governor-General of India for the time being shall be Chancellor of the University of Calcutta, and that the Governors of Madras and Bombay for the time being shall be, respectively, the Chancellors of the Universities of Madras and Bombay, and that the Lieutenant-governors of Bengal and the North-Western Provinces, the Chief Justice of Bengal,

Bengal, the Bishop of Calcutta, and the members of the Supreme Council of India, all for the time being, shall be *ex officio* fellows of the University of Calcutta.

21. His Lordship in Council is also pleased to appoint Sir James William Colville, Knt., Chief Justice of Her Majesty's Supreme Court of Judicature at Calcutta, and late President of the Council of Education, to be the first Vice-Chancellor of the University of Calcutta.

22. His Lordship in Council is also pleased to appoint the following persons to be fellows of the University of Calcutta:—

Charles Allen, Esq., Member of the Legislative Council of India.

Henry Ricketts, Esq., Provisional Member of the Supreme Council of India.

Charles Binny Trevor, Esq., Judge of the Sudder Court in Bengal.

Prince Gholam Muhummud.

William Ritchie, Esq., Advocate-general in Bengal.

Cecil Beadon, Esq., Secretary to the Government of India.

Colonel Henry Goodwyn, of the Bengal Engineers, Chief Engineer in Bengal.

William Gordon Young, Esq., Director of Public Instruction in Bengal.

Lieutenant-colonel William Erskine Baker, of the Bengal Engineers, Secretary to the Government of India.

Lieutenant-colonel Andrew Scott Waugh, of the Bengal Engineers, Surveyor-general of India.

Kenneth Mackinnon, Esq., Doctor in Medicine.

Hodgson Pratt, Esq., Inspector of Schools in Bengal.

Henry Walker, Esq., Professor of Anatomy and Physiology in the Medical College of Bengal.

Thomas Thomson, Esq., Doctor in Medicine, Superintendent of the Botanical Garden at Calcutta.

Frederick James Mouat, Esq., Doctor in Medicine and Fellow of the Royal College of Surgeons.

Lieutenant William Nassau Lees, of the Bengal Infantry.

The Reverend William Kay, Doctor of Divinity, Principal of Bishop's College.

The Reverend Alexander Duff, Doctor of Divinity.

Thomas Oldham, Esq., Superintendent of the Geological Survey of India.

Henry Woodrow, Esq., Inspector of Schools in Bengal.

Leonidas Clint, Esq., Principal of the Presidency College.

Prosunno Comar Tagore, Clerk, Assistant of the Legislative Council of India.

Ramapershad Roy, Government Pleader in the Sudder Court of Bengal.

The Reverend William Stephenson, Rector of St. John's College.

The Reverend James Ogilvie, Master of Arts.

The Reverend Joseph Mullens, Bachelor of Arts.

Moulavy Muhummud Wajeah, Principal of the Calcutta Mudrussah.

Ishwar Chundrah Bidyasagor, Principal of the Sanskrit College of Calcutta.

Ramgopaul Ghose, formerly Member of the Council of Education.

23. The Vice-Chancellor and Fellows of the Madras and Bombay Universities will be appointed by the Governor in Council of Madras and Bombay, respectively. A list of the Vice-Chancellor and Fellows composing each Senate will be furnished to this department by the local governments for communication to the Legislative Council, and insertion in the Acts of incorporation.

24. The meetings of the Calcutta University Senate can, for the present, with the permission of the Lieutenant-governor of Bengal, be held in the Council-room of the Medical College Hospital and the university examinations in the Town Hall. The Senate is authorised to appoint a registrar from among the officers of the Education Department, on a salary not exceeding 300 rupees a month, and to provide him with a clerk on a salary of 50 rupees a month, and two messengers on six rupees a month each.

25. The Senate is also authorised to appoint, from time to time, as many examiners as may be required for the examination of the candidates for entrance degrees and honours, in the several faculties of the university, and to award to each examiner such remuneration as may be considered sufficient, not exceeding, for the present, 1,200 rupees a year in any case.

26. The Senate will proceed forthwith to promulgate the rules proposed by the Committee, and sanctioned by the Government of India, and to pass such other rules, and take such further measures, as may be necessary to give early and full effect to the scheme.

Ordered, that the necessary letters be addressed to the Honourable Sir James William Colville and the other fellows of the university.

Ordered, that a copy of this resolution be furnished to each of the local governments for information and guidance, and to the several departments of the Government of India, for information and such further orders as may be necessary.

Ordered, that a copy of this resolution be published in the Calcutta and Vernacular Gazettes for general information.

Cecil Beadon,
Secretary to the Govt. of India.

ACT No. II. of 1857.—Passed by the Legislative Council of India.

(Received the Assent of the Governor-General on the 24th of January 1857.)

AN ACT to establish and incorporate an University at Calcutta.

Preamble.

WHEREAS for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Fort William, in Bengal, and other parts of India, in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Calcutta for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of literature, science, and art, and of rewarding them by academical degrees as evidence of their respective attainments, and marks of honour proportioned thereunto: and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated: It is enacted as follows (that is to say):—

Incorporation.

I. The following persons, namely,

The Right Honourable Charles John Viscount Canning, Governor-General of India.
The Honourable John Russell Colvin, Lieutenant-governor of the North-Western Provinces.
The Honourable Frederick James Halliday, Lieutenant-Governor of Bengal.
The Honourable Sir James William Colville, Knt., Chief Justice of the Supreme Court of Judicature in Bengal.
The Right Reverend Daniel Wilson, Doctor of Divinity, Bishop of Calcutta.
The Honourable George Anson, General, Commander-in-Chief of the Forces in India.
The Honourable Joseph Alexander Dorin, Member of the Supreme Council of India.
The Honourable John Low, Major-general, Companion of the Most honourable Order of the Bath, Member of the Supreme Council of India.
The Honourable John Peter Grant, Member of the Supreme Council of India.
The Honourable Barnes Peacock, Member of the Supreme Council of India.
Charles Allen, Esq., Member of the Legislative Council of India.
Henry Ricketts, Esq., Provisional Member of the Supreme Council of India.
Charles Binny Trevor, Esq., Judge of the Sudder Court in Bengal.
Prince Gholam Muhammud.
William Ritchie, Esq., Advocate-general in Bengal.
Cecil Beadon, Esq., Secretary to the Government of India.
Colonel Henry Goodwyn, of the Bengal Engineers, Chief Engineer in Bengal.
William Gordon Young, Esq., Director of Public Instruction in Bengal.
Lieutenant-colonel William Erskine Baker, of the Bengal Engineers, Secretary to the Government of India.
Lieutenant-colonel Andrew Scott Waugh, of the Bengal Engineers, Surveyor-general of India.
Kenneth Mackinnon, Esq., Doctor in Medicine.

Hodgson

Hodgson Pratt, Esq., Inspector of Schools in Bengal.
 Henry Walker, Esq., Professor of Anatomy and Physiology in the Medical College of Bengal.
 Thomas Thomson, Esq., Doctor in Medicine, Superintendent of the Botanical Garden at Calcutta.
 Frederick John Mouat, Esq., Doctor in Medicine, and Fellow of the Royal College of Surgeons.
 Lieutenant William Nassau Lees, of the Bengal Infantry.
 The Reverend William Kay, Doctor of Divinity, Principal of Bishop's College.
 The Reverend Alexander Duff, Doctor of Divinity.
 Thomas Oldham, Esq., Superintendent of the Geological Survey of India.
 Henry Woodrow, Esq., Inspector of Schools in Bengal.
 Leonidas Clint, Esq., Principal of the Presidency College.
 Prosonno Coomarr Tagore, Clerk Assistant of the Legislative Council of India.
 Ramapershad Roy, Government Pleader in the Sudder Court of Bengal.
 The Reverend James Ogilvie, Master of Arts.
 The Reverend Joseph Mullens, Bachelor of Arts.
 Moulavy Mubammud Wujeeh, Principal of the Calcutta Mudrasah.
 Ishwar Chundra Bidya Sagur, Principal of the Sanskrit College of Calcutta.
 Ramgopaul Ghose, formerly Member of the Council of Education.
 Alexander Grant, Esq., Apothecary to the East India Company.
 Henry Stewart Reid, Esq., Director of Public Instruction in the North-Western Provinces,

being the first Chancellor, Vice-Chancellor, and Fellows of the said university, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one body politic and corporate by the name of the University of Calcutta; and such body politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every court of justice within the territories in the possession and under the Government of the East India Company.

II. The said body corporate shall be able and capable in law to take, purchase, and hold any property, movable or immovable, which may become vested in it for the purposes of the said university by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of all or any of the property, movable or immovable, belonging to the said university; and also to do all other matters incidental or appertaining to a body corporate.

Power to hold and dispose of property.

III. The said body corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of *ex officio* and other Fellows as the Governor-General of India in Council hath already appointed, or shall from time to time, by any order published in the "Calcutta Gazette," hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said university. Provided that, if any person being Chancellor, Vice-Chancellor, or Fellow of the said university, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

Constitution of body corporate.

Senate.

Office vacated by leaving India.

IV. The Governor-General of India for the time being shall be the Chancellor of the said university, and the first Chancellor shall be the Right Honourable Charles John Viscount Canning.

Chancellor.

V. The first Vice-Chancellor of the said university shall be Sir James William Colville, Knt. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor herein-before nominated shall go out of office on the 1st day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said university by death, resignation, departure from India, effluxion of time, or otherwise, the Governor-General of India in Council shall, by notification in the "Calcutta Gazette," nominate a fit and proper person, being one of the Fellows of the said university, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that, on any vacancy in the said office which shall occur by effluxion of time, the Governor-General of India

Vice-Chancellor.

in Council shall have power to re-appoint the Vice-Chancellor herein-before nominated or any future Vice-Chancellor to such office.

Fellows.

VI. The Lieutenant-Governors of Bengal and the North-Western Provinces, the Chief Justice of the Supreme Court of Judicature at Fort William, in Bengal, or of any court of judicature hereafter to be constituted to or in which the powers of the said Supreme Court may be transferred or vested, the Bishop of Calcutta, and the members of the Supreme Council of India, all for the time being, shall be *ex officio* Fellows of the said university. The whole number of the Fellows of the said university, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than 30; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below 30, the Governor-General of India in Council shall forthwith, by notification in the "Calcutta Gazette," nominate so many fit and proper persons to be Fellows of the said university as, with the then Fellows of the said university, shall make the number of such Fellows, exclusive as aforesaid, 30. But nothing herein contained shall prevent the Governor-General of India in Council from nominating more than 30 persons to be Fellows of the said university if he shall see fit.

The appointment of a Fellow may be cancelled.

VII. The Governor-General of India in Council may cancel the appointment of any person already appointed, or hereafter to be appointed a Fellow of the university, and as soon as such order is notified in the "Gazette," the person so appointed shall cease to be a Fellow.

Chancellor, vice-chancellor, and fellows to superintend the affairs of the university.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said university; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said university. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honours and the granting of marks of honour for a higher proficiency in the different branches of literature, science, and art; and touching the qualifications of the candidates for degrees, and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said university. And all such bye-laws and regulations when reduced into writing, and after the common seal of the said university shall have been affixed thereto, shall be binding upon all persons, members of the said university, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor-General of India in Council.

Bye-laws.

Meetings of the Senate.

IX. All questions which shall come before the Chancellor, Vice-Chancellor and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence, the Vice-Chancellor, shall preside as chairman; and, in the absence of both, a chairman shall be chosen by the Fellows present, or the major part of them.

Appointment and removal of examiners and officers.

X. The said Chancellor, Vice-Chancellor and Fellows for the time being shall have full power from time to time to appoint, and, as they shall see occasion, to remove all examiners, officers, and servants of the said university.

Power to confer degrees.

XI. The said Chancellor, Vice-Chancellor and Fellows shall have power, after examination, to confer the several degrees of bachelor of arts, master of arts, bachelor of laws, licentiate of medicine, doctor of medicine, and master of civil engineering; they also have power, after examination, to confer upon the candidates for the said several

several degrees marks of honour for a high degree of proficiency in the different branches of literature, science and art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of bachelor of arts, master of arts, bachelor of laws, licentiate of medicine, doctor of medicine, or master of civil engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate from one of the institutions authorised in that behalf by the Governor-General of India in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Qualification for admission of candidates for degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination the candidates shall be examined either by examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and fellows, or by other examiners so to be appointed; and on every such examination the candidates, whether candidates for an ordinary degree or for a degree with honours, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Examination for degrees.

XIV. At the conclusion of every examination of the candidates, the examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honours which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Calcutta and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

Grant of degrees.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor-General of India in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor-General of India in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor-General of India in Council may direct.

Fees.

Annual accounts.

ACT No. XXVII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 5th September 1857.)

AN ACT to establish and incorporate an University at Madras.

WHEREAS, for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Fort St. George and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Madras for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science, and Art, and of rewarding them by academical degrees as evidence of their respective attainments, and marks of honour proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated: It is enacted as follows: (that is to say)—

Preamble.

I. The following persons, namely,

The Right Honourable George Francis Robert, Lord Harris, Governor of Fort St. George.

The Honourable Sir Christopher Rawlinson, Knight, Chief Justice of the Supreme Court of Judicature at Madras.

Incorporation.

The Right Reverend Thomas Dealtry, Doctor of Divinity, Bishop of Madras, *Ex-officio*.
 The Honourable Sir Patrick Grant, Lieutenant-General, Knight Commander of the Most Honourable Order of the Bath, Commander-in-Chief of the Forces in Madras, *Ex-officio*.
 The Honourable Walter Elliot, Member of the Council of Madras, *Ex-officio*.
 The Honourable Sir Henry Conyngham Montgomery, Baronet, Member of the Council of Madras, *Ex-officio*.
 Alexander John Arbuthnot, Esq., Director of Public Instruction, *Ex-officio*.
 Eyre Burton Powell, Esq., Principal of the Presidency College, *Ex-officio*.
 Henry Fortey, Esq., Acting Principal of the Presidency College, *Ex-officio*.
 James Kellie, Esq., President of the Medical College Council, *Ex-officio*.
 The Honourable Sir Henry Davison, Knight, Puisne Judge of the Supreme Court of Judicature at Madras.
 Thomas Pycroft, Esq., Chief Secretary to Government.
 Edward Maltby, Esq., Acting Chief Secretary to Government.
 James Dewar Bourdillon, Esq., Secretary to Government.
 Henry Forbes, Esq., Acting Secretary to Government.
 Colonel Charles Alfred Browne, Secretary to Government.
 James Blair Preston, Esq., Physician General.
 The Reverend Robert Halley, Master of Arts, Principal of the Doveton College.
 J. Townshend Fowler, Esq., Principal of the Government Normal School.
 P. Soobroyooloo Naidoo, President of Patcheapah's Institution.
 William Ambrose Morehead, Esq., Provisional Member of the Council of Madras.
 Guy Lushington Prendergast, Esq., Accountant-General.
 Colonel Arthur Thomas Cotton, Commandant of Engineers.
 Colonel Charles Edward Faber, Chief Engineer in the Department of Public Works.
 Lieutenant-Colonel Thomas Townsend Pears, Companion of the Most Honourable Order of the Bath, Consulting Engineer for Railways.
 Lieutenant-Colonel George Balfour, Companion of the Most Honourable Order of the Bath.
 The Reverend John Richards, Master of Arts.
 Lieutenant-Colonel Frederick Conyers Cotton, Acting Mint Master.
 Chittur Runganadum Sastry, Head Interpreter in the Supreme Court of Judicature.
 John Emelius Mayer, Esq., Professor of Chemistry and Pharmacy in the Madras Medical College.
 The Reverend Robert Kerr Hamilton, Master of Arts.
 The Reverend George Hall, Master of Arts.
 The Reverend Peter Sorenson Royston, Bachelor of Arts.
 James Sanderson, Esq., Surgeon in the Madras Army.
 The Reverend John Braidwood, Master of Arts.
 John Dawson Mayne, Bachelor of Arts, Professor of Law, Moral and Mental Philosophy, and Logic, in the Presidency College.
 Richard Burgass, Esq., Master of Arts, First Judge of the Court of Small Causes.
 Lieutenant-Colonel John Joseph Losh, Military Auditor-General.
 William Judson Vansomeren, Esq., Doctor in Medicine, Professor of Anatomy and Physiology in the Madras Medical College.
 Samuel Jesudasen, Native Surgeon.
 Major John Maitland, Superintendent Gun-carriage Manufactory.
 The Reverend A. Burgess, The Reverend W. Grant,
 being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one body politic and corporate by the name of the University of Madras; and such body politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every court of justice within the territories in the possession and under the Government of the East India Company.

II. The said body corporate shall be able and capable in law to take, purchase, and hold any property, movable or immovable, which may become vested in it for the purposes of the said university, by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, movable or immovable, belonging to the said university; and also to do all other matters incidental or appertaining to a body corporate.

Power to hold and dispose of property.

III. The said body corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of *ex-officio* and other Fellows, as the Governor of Fort St. George in Council hath already appointed, or shall from time to time, by any order published in the Fort St. George Gazette, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that, if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

Constitution of body corporate.

Senate.
Office vacated by leaving India.

IV. The Governor of Fort St. George for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honourable George Francis Robert, Lord Harris.

Chancellor.

V. The first Vice-Chancellor of the said University shall be Sir Christopher Rawlinson, Knight. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor of Fort St. George in Council shall, by notification in the Fort St. George Gazette, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that, on any vacancy in the said office which shall occur by effluxion of time, the Governor of Fort St. George in Council shall have power to re-appoint the Vice-Chancellor hereinbefore nominated or any future Vice-Chancellor to such office.

Vice-Chancellor.

VI. The Chief Justice of Her Majesty's Supreme Court of Judicature, the Bishop of Madras, the members of the Council of Madras, the Director of Public Instruction, the Principal and Acting Principal of the Presidency College, the President of the Medical College Council, all for the time being, shall, while filling such offices, be *ex-officio* Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty; and whenever the number of the said Fellows, exclusive as aforesaid, shall, by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor of Fort St. George in Council shall forthwith, by notification in the Fort St. George Gazette, nominate so many fit and proper persons to be Fellows of the said University, as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, thirty. But nothing herein contained shall prevent the Governor of Fort St. George in Council from nominating more than thirty persons to be Fellows of the said University if he shall see fit.

Fellows.

VII. The Governor of Fort St. George in Council may cancel the appointment of any person already appointed or hereafter to be appointed a Fellow of the University, and as soon as such order is notified in the Gazette, the person so appointed shall cease to be a Fellow.

The appointment of a Fellow may be cancelled.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being, shall have the entire management of, and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same, and touching the examination for honours and the granting of marks of honour for a higher proficiency in the different branches of literature,

Chancellor, Vice-Chancellor, and Fellows to superintend the affairs of the University.

Bye-laws.

science,

science, and art; and touching the qualifications of the candidates for degrees, and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to, and shall have received the approval of the Governor of Fort St. George in Council.

Meetings of the Senate.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as chairman; and in the absence of both, a chairman shall be chosen by the Fellows present, or the major part of them.

Appointment and removal of examiners and officers.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint and, as they shall see occasion, to remove all examiners, officers, and servants of the said University.

Power to confer degrees.

XI. The said Chancellor, Vice-Chancellor, and Fellows shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees, marks of honour for a high degree of proficiency in the different branches of literature, science, and art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

Qualification for admission of candidates for degrees.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate from one of the institutions authorised in that behalf by the Governor of Fort St. George in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Examination for degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination, the candidates shall be examined either by examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other examiners so to be appointed; and on every such examination the candidates, whether candidates for an ordinary degree, or for a degree with honours, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Grant of degrees.

XIV. At the conclusion of any examination of the candidates, the examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honours which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Madras, and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

Fees.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation

approbation of the Governor of Fort St. George in Council, shall from time to time see fit to impose. Such fees shall be carried to one general fee fund for the payment of expenses of the said University under the directions and regulations of the Governor of Fort St. George in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor of Fort St. George in Council may direct. Annual accounts.

ACT No. XXII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 18th July 1857.)

AN ACT to establish and incorporate an University at Bombay,

WHEREAS, for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Bombay and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Bombay for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of literature, science, and art, and of rewarding them by academical degrees, as evidence of their respective attainments, and marks of honour proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated; It is enacted as follows: (that is to say)— Preamble.

I. The following persons, namely,

Incorporation.

The Right Honourable John, Lord Elphinstone, Governor of Bombay.
 The Honourable Sir William Yardley, Knight, Chief Justice of the Supreme Court of Judicature at Bombay,
 The Right Reverend John Harding, Doctor of Divinity, Bishop of Bombay, *Ex-officio*.
 The Honourable Sir Henry Somerset, Lieutenant-general, Knight Companion of the Most Honourable Order of the Bath, Commander-in-Chief of the Forces in Bombay, *Ex-officio*.
 The Honourable James Grant Lumsden, Member of the Council of Bombay, *Ex-officio*.
 The Honourable Arthur Malet, Member of the Council of Bombay, *Ex-officio*.
 Edward Irvine Howard, Esq., Director of Public Instruction, *Ex-officio*.
 Robert Haines, Esq., M. D., Acting Educational Inspector, Presidency Division, *Ex-officio*.
 C. Morehead, Esq., M. D., Principal of the Grant Medical College, *Ex-officio*.
 John Harkness, Esq., LL. D., Principal of the Elphinstone College, *Ex-officio*.
 The Reverend James McDougall, Acting Principal of the Poona College, *Ex-officio*.
 Philip William LeGeyt, Esq., Member of the Legislative Council of India.
 The Honourable Sir Matthew Richard Sausse, Knight, Puisne Judge of the Supreme Court of Judicature at Bombay.
 Sir Jamsetjee Jeejeebhoy, Knight.
 Metcalfe Larken, Esq., Judge of the Sudder Court in Bombay, and President of the late Board of Education.
 Juggonauth Sunkersett, Esq., Member of the late Board of Education.
 Bomanjee Hormusjee, Esq., Member of the late Board of Education.
 Bhao Dajee, Esq., Graduate of the Grant Medical College, Member of the late Board of Education.
 Matthew Stovell, Esq., Surgeon in the Bombay Army, Secretary to the late Board of Education.
 Claudius James Erskine, Esq., Civil Service, late Director of Public Instruction.

William Edward Frere, Esq., Member of the Royal Asiatic Society, and President of the Bombay Branch of the Royal Asiatic Society, Judge of the Sudder Court in Bombay.

Major-general Charles Waddington, Companion of the Most Honourable Order of the Bath, Chief Engineer of Public Works.

The Reverend John Wilson, Doctor of Divinity, Fellow of the Royal Society, Honorary President of the Bombay Branch of the Royal Asiatic Society.

The Reverend Philip Anderson, Master of Arts, Chaplain on the Bombay Establishment.

Henry Bartle Edward Frere, Esq., Commissioner in Scinde.

Lieutenant Edward Frederick Tierney Fergusson, Indian Navy.

Mahomed Yusoof Moorgay, Cazee of Bombay.

James John Berkley, Esq., Fellow of the Geographical Society, M. I. C. E., President of the Bombay Mechanics' Institution, and Chief Resident Engineer of the Great Indian Peninsular Railway Company.

Henry Lacon Anderson, Esq., Secretary to Government, being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one body politic and corporate by the name of the University of Bombay; and such body politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every court of justice within the territories in the possession and under the Government of the East India Company.

Power to hold and dispose of property.

II. The said body corporate shall be able and capable in law to take, purchase, and hold any property, movable or immovable, which may become vested in it for the purposes of the said university by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of all or any of the property, movable or immovable, belonging to the said University; and also to do all other matters incidental or appertaining to a body corporate.

Constitution of body corporate.

III. The said body corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of *ex-officio* and other Fellows as the Governor of Bombay in Council hath already appointed, or shall from time to time, by any order published in the Bombay Gazette, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that, if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

Senate.

Office vacated by leaving India.

Chancellor.

IV. The Governor of Bombay for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honourable John, Lord Elphinstone.

Vice-Chancellor.

V. The first Vice-Chancellor of the said University shall be Sir William Yardley, Knight. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor of Bombay in Council shall, by notification in the Bombay Gazette, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that, on any vacancy in the said office which shall occur by effluxion of time, the Governor of Bombay in Council shall have power to re-appoint the Vice-Chancellor hereinbefore nominated, or any future Vice-Chancellor, to such office.

Fellows.

VI. The Chief Justice of Her Majesty's Supreme Court of Judicature, the Bishop of Bombay, the Members of the Council of Bombay, the Director or Acting Director of Public Instruction, the Educational Inspector or Acting Educational Inspector of the Presidency Division, the Principals and Acting Principals of Government Colleges, all for the time being, shall, while filling such

such offices, be *ex-officio* Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than twenty-six; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below twenty-six, the Governor of Bombay in Council shall forthwith, by notification in the Bombay Gazette, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, twenty-six. But nothing herein contained shall prevent the Governor of Bombay in Council from nominating more than twenty-six persons to be Fellows of the said University if he shall see fit.

VII. The Governor of Bombay in Council may cancel the appointment of any person already appointed or hereafter to be appointed a Fellow of the University; and as soon as such order is notified in the Gazette, the person so appointed shall cease to be a Fellow. The appointment of a Fellow may be cancelled.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honours and the granting of marks of honour for a higher proficiency in the different branches of literature, science, and art; and touching the qualifications of the candidates for degrees, and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor of Bombay in Council. Chancellor, Vice-Chancellor, and Fellows, to superintend the affairs of the University.
Bye-laws.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the chairman at any such meeting shall have a vote, and in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as chairman; and, in the absence of both, a chairman shall be chosen by the Fellows present, or the major part of them. Meetings of the Senate.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and as they shall see occasion to remove, all examiners, officers, and servants of the said University. Appointment and removal of Examiners and officers.

XI. The said Chancellor, Vice-Chancellor, and Fellows shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honour for a high degree of proficiency in the different branches of literature, science, and art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act. Power to confer degrees.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, Qualification for admission of candidates for degrees.

unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows a certificate from one of the institutions authorised in that behalf by the Governor of Bombay in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Examination for
degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination the candidates shall be examined either by examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other examiners so to be appointed; and on every such examination the candidates, whether candidates for an ordinary degree, or for a degree with honours, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Grant of degrees.

XIV. At the conclusion of any examination of the candidates, the examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honours which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Bombay and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

Fees.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor of Bombay in Council, shall from time to time see fit to impose. Such fees shall be carried to one general fee fund for the payment of expenses of the said University, under the directions and regulations of the Governor of Bombay in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor of Bombay in Council may direct.

Annual accounts.

(True copies.)

J. S. Mill,
Examiner of India Correspondence.

East India House, 11 February 1858.

EAST INDIA (EDUCATION).

COPIES of CORRESPONDENCE with the Indian Government, showing the Progress of the Measures adopted for carrying out the EDUCATION DESPATCH of 19 July 1854 (in continuation of Parliamentary Paper, No. 393, of Session 1854).

(*Mr. Kinnaird.*)

*Ordered, by The House of Commons, to be Printed,
12 February 1858.*

[*Price 1 s. 10 d.*]

72.

Under 20 oz.

EAST INDIA (EDUCATION IN BEHAR).

RETURN to an Order of the Honourable The House of Commons,
dated 13 April 1858 ;—*for*,

A COPY “of a LETTER from the Court of Directors of the East India Company to the Governor-General of India in Council in the Public Department, dated the 13th day of April 1858, relating to EDUCATIONAL PROCEEDINGS in *Behar*.”

India Board, }
13 April 1858. }

HENRY J. BAILLIE.

DESPATCH from the Court of Directors to the Government of India.

Public Department, 13 April (No. 52) 1858.

Our Governor-General of India in Council.

Para. 1. A VOLUME, entitled “General Report on Public Instruction in the Lower Provinces of the Bengal Presidency for 1855–56,” has been sent to us, with other books, and printed selections from the proceedings of your Government, but without any letter from you on the subject.

2. It does not appear that any proceedings were held by you, or orders passed on the receipt of the above Report from the Bengal Government.

3. Our attention has been drawn to the following passages in the reports of Mr. Chapman, Inspector of Education in Behar, which formed part of the volume referred to. The statements contained in these extracts appear to us of so much importance that we have deemed it expedient to address you at once on the subject of them, without awaiting the resolutions of your Government on the general Report, with which we expect to be furnished in due time :

“In addition to such obstacles as are peculiar to no special period, I must here remind you that, in judging of the results of our first quarter’s operations, due weight should be given to the special accidents which have militated against us during that period. The principal of these was the design of depriving the gaol prisoners of their lotahs. This is still universally believed to be the opening act of a general scheme, of which the educational system is supposed to be a part, for the forcible conversion of the natives to Christianity. The fact is, the presentiment is strong, and by no means transitory, that Government will not only attempt to make its subjects Christians, but will succeed in doing so. The conviction is shared in alike by all classes and all sects, and I do not think it is in the power of government to remove it. This uneasy feeling is ready to display itself on the most trivial occasions; and the circulation lately of a controversial appeal to the influential Mahomedans throughout the country, by some person in Calcutta, was at once attributed to Government, and has excited universal alarm among both Hindoos and Mahomedans, adding materially to the difficulties which beset our plans.” And,

DESPATCH RELATING TO

“The reception of my subordinates by the people generally continues tolerably satisfactory, though they report to me that it is often impossible to persuade the people that the sole object of Government is not a proselytising one. I have already said that I believe it to be out of our power altogether to get rid of this feeling.” Also,

“I am now able to confirm my own experience, the existence of the strongest prejudices against the educational measures on the part of the people, prejudices that are only strengthened by any attempt to reason against them. ‘How are we to believe,’ said one set of villagers to me, ‘that Government will not interfere with our religion, when we see the missionaries who are paid by them?’ and from this ground I could not drive them.” And afterwards,

“While, therefore, keeping up the theory of eliciting voluntary effort, I find it to be the most effectual and satisfactory course in practice, to take for my starting point, and to allow my subordinates to do the same, that it is the order of Government that people should now educate their children, and that the people ought to be satisfied that Government would not command that which is not good for them. Having laid down this principle, we then proceed to prove by every argument at our command, that, in so doing, the Government has no intention whatever to interfere with the religion of its subjects.

“I have been strengthened in my belief, that the mode of proceeding described in the preceding paragraph is that which promises the most speedy success, by the fact, that Mr. H. S. Reid arrived at the same conclusion in the North Western Provinces, after a much more lengthened and full experience than I have had. If we can induce attention to education by any means, experience will soon enable the people to appreciate our present motives.”

4. We desire that you will express to Mr. Chapman the serious displeasure with which we have viewed his conduct in thus inducing the natives to believe that it was the order of the Government that their children should attend the schools under his inspection.

5. It is our intention that it shall be entirely optional with the natives, whether they will avail themselves of the facilities of education which we afford to them or not.

6. It is the duty of all public servants to carry out with good faith, the declared intentions of the Government under which they act. There is no safety for a state, if over-zealous individuals be permitted, in the execution of the duties entrusted to them, to substitute their own policy for that of the Government.

7. A Government must not be supposed to say one thing and mean another.

8. We have no reason, in reference to the reports which have been before us from the North Western Provinces, to think that the statement that Mr. H. S. Reid has there adopted the same mode of proceeding is correct. But if there should be any official information in your possession to satisfy you that it is so, or if, on inquiry from Mr. H. S. Reid, you shall find that the same objectionable course has been pursued in the North Western Provinces as that which is reported to have been taken in Behar, you will intimate to that officer also our serious displeasure.

9. In the above passages, and in many other parts of Mr. Chapman's reports, there are statements of the most important character with respect to the apprehensions entertained by the natives of interference with their religion on the part of the Government, in their educational proceedings.

10. The Government will adhere, with good faith, to its ancient policy of perfect neutrality in matters affecting the religion of the people of India; and we most earnestly caution all those in authority under it not to afford, by their conduct, the least colour to the suspicion that that policy has undergone, or will undergo, any change.

11. It is perilous for men in authority to do as individuals that which they officially condemn. The real intention of the Government will be inferred from their acts, and they may unwittingly expose it to the greatest of all dangers, that of being regarded with general distrust by the people.

12. We

EDUCATIONAL PROCEEDINGS IN BEHAR.

3

12. We rely upon the honourable feelings which have ever distinguished our service for the furtherance of the views which we express. When the Government of India makes a promise to the people, there must not be afforded to them grounds for a doubt as to its fidelity to its word.

13. You will take such measures as you may think fit, for giving the fullest publicity to this letter.

We are, &c.

(signed) *R. D. Mangles,*
F. Currie,
&c. &c.

London, 13 April 1858.

(True copy.)

J. S. Mill,

Examiner of India Correspondence.

East India House,
13 April 1858.

EAST INDIA (EDUCATION IN BEHAR.)

COPY of a Letter from the Court of Directors
of the East India Company to the Governor
General of India in Council, in the Public
Department, dated 13 April 1868, relating to
EDUCATIONAL PROCEEDINGS in *Behar*.

(*Mr. Henry Baillie.*)

Ordered, by The House of Commons, to be Printed,
13 April 1868.

190.

Under 1 oz.

EAST INDIA (NORTH WEST PROVINCES).

RETURN to an Order of the Honourable The House of Commons,
dated 26 March 1858;—for,

COPIES “of a DESPATCH from the Governor-General of India, dated the 25th day of November 1842, and of the REPORTS of Mr. *Bird* and Mr. *Robertson*, upon the Settlement of the NORTH WEST PROVINCES, enclosed therein; also, of the DESPATCH of the Court of Directors, dated the 13th day of August 1851, in reply thereto.”

East India House, }
12 April 1858. }

J. D. DICKINSON,
Secretary.

Government of India, Revenue Department, No. 15 of 1842.

To the Honourable the Court of Director of the East India Company.

Honourable Sirs,

IN continuation of our despatch, dated 19th August 1842, No. 12, we have the honour to forward herewith the narrative of the proceedings of the government of the North West Provinces in the Revenue Department during the second quarter of 1842. No. 3, dated 18th July 1842.

We have, &c.

(signed) *R. M. Bird.*
Wm. Cusement.
H. T. Prinsep.

Fort William,
25 November 1842.

EXTRACT Narrative of the Proceedings of the Government of the North-Western Provinces during the Second Quarter of 1842; dated Agra, 18 July 1842 (No. 3).

1. ON the proceedings noted in the margin is recorded a letter from the Sudder Board of Revenue, submitting a report on the settlement of the North-Western Provinces, drawn up by Mr. R. M. Bird, the senior member, on the occasion of his retiring from the Board.

2. After some preliminaries, Mr. Bird alludes to the principles on which he commenced settlement operations in Goruckore; that, “being satisfied of the general soundness of the views put forth by Government in Reg. VII., 1822,” he was convinced that practical operation might be given to those rules; he had no reason to doubt that the assessment of fair and moderate revenue on the land might be so combined with an ascertainment of private rights and the constitution of the village communities that such records might be framed, such principles fixed, and such sanitary processes put in action, as would correct the evils which had eaten, like a canker, into the very vitals of landed property and agricultural prosperity.

Para. 10, Narrative
No. 2 of 1842.
Revenue Proceedings,
March 1842,
No. 79; May 1842,
No. 38 to 50.

3. Mr. Bird records his opinion that one-fifth of the culturable land should always be left untaxed, to allow for raising artificial grasses, or other fodder for cattle, and to allow for fallows.

4. Mr. Bird enters into much detail to show how the minute record of individual rights has been used by the creditors of certain parties in talooka Moorsan, in Allyghur, to enforce old claims, and to this cause attributes the necessity for a recourse to sale, to recover the balances which had accrued to the revenue demand.

5. The district of Bijnour will require careful revision; it had been heavily assessed, and at the time of settlement its state presented insuperable difficulties to the assessment of an equal demand.

6. The Moradabad settlements are not yet completed.

7. The introduction of the Ganges, or Cautley Canal, will, in the Allahabad, as in other districts throughout the Doab, afford an increase; but, with this exception, the demand on Cawnpore should be considered as not liable to increase, and fixed in perpetuity.

8. The settlements of the two districts of Banda and Humeerpore have not yet been completed; but ever thing is fixed, and it only remains to put the finishing hand to the work, and exchange the agreements.

9. In para. 144, Mr. Bird places on record the principles on which the present settlement of Bundelcund has been formed.

10. The revision of Calpee has been made at a reduction of 72,000 rupees.

11. The revision of Humeerpore, when complete, is likely to involve a reduction of about 100,000 rupees.

12. The revision of Banda is not likely to involve a loss of more than 5,000 rupees.

13. Mr. Bird was of opinion that Bundelcund can never hereafter be assessed with safety at a higher amount than the total sum of the assessment now to be reported.

14. In conclusion, Mr. Bird adverts to the measures which have been adopted for the reform of the revenue administration:

1st. The whole of the revenue records have been completely arranged.

2d. The duties of the Collector's office have been distinctly defined, and manuals printed.

3d. The revenue instalments have been fixed.

4th. Complete records have been made of the possession, rights and liabilities of all those members of the agricultural community who hold in severalty.

5th. The summary suit department has been placed on a sound footing.

15. With this very interesting minute certain statistical papers were submitted, which will only be recorded in the proceedings.

16. In bringing these documents on record, the Lieutenant-governor availed himself of the opportunity of recording his sentiments on the progress and probable results of the settlement, observing that the objects aimed at in the important measure of settlement and survey are numerous, and of varied character, some falling naturally under the department of revenue, and others belonging rather to the department of judicial and general administration.

17. Of the first class were the following:—

1st. The revision of the assessment.

2d. The better division of the kists or instalments.

3d. The demarcation of the exterior boundaries of estates or villages.

4th. The

4th. The correction of the system of accounts at the tehsildars' offices, and arrangement of their records .

5th. The formation of a fund for the construction of roads.

18. The succeeding items appear to belong to the second class, and to have only a constructive connexion with the department of revenue :

6th. The provision for the support of the village police.

7th. The resumption of all hidden rent-free tenures brought to light by the survey.

8th. The re-casting and reduction of the talookas or larger tenures.

9th. The demarcation of the component portions of every village, and the recording of the several rights comprised therein.

19. His Honor remarks, "that, coming to the work of revision with strong prepossessions in favour of much of what the project promised to accomplish, it was with some sincere regret that, after having confirmed at the outset the settlements of the districts of Bareilly, Shahjehanpore, Furruckabad, Goruckpore, Suharunpore, and the Bhuttee country, he felt compelled to proceed more slowly for a while, and at last to postpone all further ratification until the receipt of the next annual report on the administration of the current year."

20. This hesitation was caused by the symptom of precipitation and of a craving for dispatch which was discernible in several quarters. As regarded the province of Benares, a separate reference had been made to the Government of India, in which, although his Honor's arguments were not answered, yet as his objections were over-ruled, the measure was of course suffered to proceed in that province.

21. In noticing the several objects which the settlement professes to embrace, the Lieutenant-governor was induced to believe that the revision of the assessment had been performed with consideration and judgment; that the introduction of four instalments as a measure to liberate the ryot from the power of the money lender, was enough to command the sincerest wishes for its ultimate success; that the demarcation of the exterior boundaries of estates and villages under the eye of the European officer had been attended, doubtless, with the best effects. The correction of the system of accounts was a measure which promised great public benefit.

22. In respect to the fund for the construction of roads, the Lieutenant-governor observed, that he feared "it was not regarded as a deduction from, but as an addition to, the regular assessment. The measure will be beneficial, but cannot be popular, for the people seem to care little for what we account well-made roads. Still, excepting in Benares, where it cannot be enforced without an apparent breach of engagement, the measure is a good one, and will doubtless in the long-run be duly appreciated by the people."

23. On the provision for the support of the village police, which is often complained of as a grievance, it must be observed, that the remuneration in the shape of certain dues and perquisites, is a very different thing from a direct payment in money levied and realised a Government revenue, which must either proceed from the zemindars' own funds, or be raised by a cess on the whole village. In neither case can the measure be popular, nor will the presence of a paid chowkeedar ever be welcome, even if it involved no extra charge.

24. The proceedings in the Resumption Department, his Honor observed, had in these, as in the Lower Provinces, "been marked at the outset by a hard and harsh dealing with individual rights, gradually but reluctantly yielding to the tempering influence of the orders which, from time to time, have issued from superior authorities, especially the Honourable Court. The settlement officer swept up without inquiry every patch of unregistered rent-free land, even those under 10 beegahs, emptied by a subsequent order, and which did not come out before five-sixths of the tenures had been resumed. In one district, that of Furruckabad, the obligations of a treaty and the direct

orders of Government were but lightly dealt with ; and in all, a total disregard was evinced for the acts even of such men as Warren Hastings and Lord Lake. In a few instances it had been found necessary to interfere in the department, in order to bring the proceedings into conformity with the later resolutions of the Supreme Government, and the injunctions contained in the Honourable Court's despatch of the 9th May 1838.

25. On the important question of talookdari rights, which Mr. Bird had omitted to notice, the Lieutenant-governor remarked, "he had experienced the difficulty of maintaining the privileges of the talookdar without damaging the rights of the village proprietors, and it may thence be inferred that he should have willingly entertained any well suggested plan for reconciling these somewhat conflicting titles. He was not, however, quite prepared to acquiesce in the very summary process whereby the settlement officers and their superiors got over this difficulty, and of which a few specimens are exhibited. The Rajah of Mynpoory, whose predecessor had received the highest acknowledgments from the British Government for his unshaken loyalty, when the district was overrun by Holkar's army in the year 1804, was, without a reference to Government, under construction put on the right of a talookdar, deprived entirely, he and his successors, in perpetuity of all power of interference in 116 of 158 villages included in his talooka, which had descended to him in regular succession, before the introduction of the British rule."

26. "In Allygurh, Teekum Sng, the Rajah of Moorsaun, had his talooka curtailed by the severance of 138 of the 216 villages which it contained. The village proprietors, with whom the settlement was made to the exclusion of the Rajah, proved in many instances unequal to meet the obligation they had incurred. The Rajah, who had instituted suits to obtain a reversal of the decision of the revenue authorities, felt apprehensive lest the tenure should pass by public auction for arrears of revenue to a third party, before his case in court could be brought to a final hearing. He therefore sought to be allowed to recover, by payment of the balance due to Government, any village advertised for sale, and this indulgence, being in strict conformity with the spirit of Reg. IX. of 1825, was secured to him by that interference of Government, of which the late senior member of the Sudder Board, in the 83d and 84th para. of his minute of the 21st January last, seems to complain as a grievance."

27. "It will be seen that on the Rajah winning one suit, and having the prospect of gaining more (for the parties sued are stated to be disposed in most instances to admit his claim) the Collector was ordered by the Sudder Board not to carry the decree passed in his favor into effect."

28. His Honor, in his remarks on the policy of thus roughly handling these tenures, whence all that remains of a aristocracy in the land derives its support, observed, that there is a striking inconsistency in the imposition of 18 per cent. on villages severed from a talooka as a compensation to the talookdar. If that personage has not a title, such as it is found impossible entirely to reject, why saddle the land with this cess on its account ; and if he has a title, ought it not to rest with some more impartial authority to set it aside, than a zealous settlement officer, bent upon the realisation of schemes to which those very talookas are a serious obstacle ?

29. The demarcation of the component portions of every village, and the recording of the several rights comprised therein, is what is technically called the khusreh survey. It is a necessary preliminary to a settlement that had better, perhaps, been kept separate from the scientific survey. The khusrehs done in connexion with that operation have many of them been found inaccurate, and have had to be entirely revised by the settlement officers.

30. To keep up a record of the circumstances of every field, there must be a constant interference of the executive in the affairs of every village, or, it may be said, of every villager, which would be irksome to any people, and will prove intolerable to the natives of India. Already has it been found necessary in many quarters to get rid of the old ptwarrees, and employ in their stead more efficient accountants ; but even with these, an almost unattainable vigilance will be required to prevent the progressive lapse of error and confusion.

31. In

31. In conclusion, the Lieutenant-governor observes, that it is a fearful experiment, that of trying to govern without the aid of any intermediate agency of indigenous growth, yet it is what the measures now in progress have a direct tendency to bring about. In a short time all may stand on a new basis; the village watchman and the village accountant may be persons in the direct service of that Government, of which the village proprietor may appear but the nominee, while every trace of superior existing rank will disappear under the three-fold agency of the parcelling of talooks, the resumption laws, and that late Act, regarding sales, by which the Government has placed a restriction on the exercise of its own prerogative of mercy.

32. Far ahead, as in movements like the present, the real objects often are of the avowed, there are yet many who candidly admit the fall of what may still be called the aristocracy and gentry of the country, to be a not improbable consequence of the system now pursuing, but who look forward with confidence to the regeneration that is to spring from this decay.

33. Such speculations may be safely indulged in by individuals, but it is not for a Government thus to seek to escape from the practical duty of endeavouring, in giving content to the people at large, to avoid giving disgust to particular classes, or of preventing property from being dealt with in disregard of the remark of a profound politician, "that a man will sooner forgive the death of his father than the loss of his inheritance."

34. It is in this respect; that the settlement appears most open to exception; assuming the absolute correctness of its own principles, and acting upon these with a speed that ill accorded with its judicial character, it too often refused to pause to weigh the various merits of any claim that presented an obstacle to the high-pressure pace of its progress.

35. It was impossible that those employed should not have their minds somewhat tinged by the colour of the work they were engaged in, and it may not be a mistaken belief that a disposition to look upon men (natives) as mere units of the mass, about which alone it is becoming to feel any interest, that has of late grown very prevalent among the junior portion of the civil service.

36. Conducted upon somewhat arbitrary principles, the settlement has not encouraged much independence of mind among its agents, and the uniformity that pervades all the reports which his Honor as yet has perused, is very remarkable in the productions of a service, whose most prominent characteristic used to be a free and fearless expression of opinion on the part even of its youngest members.

(True copy.)

East India House,
12 April 1858.

(signed) *J. S. Mill*,
Examiner of India Correspondence.

Note.—The Minute by Mr. T. C. Robertson, dated the 15th April 1842, and the Report by Mr. R. M. Bird, dated the 21st January 1842, on the Settlement of the North-West Provinces, also the Dispatch of the Court of Directors, dated the 13th August 1851, on the same subject, have been already returned to the Honourable the House of Commons and are printed at pages 120, 126, and 221 of Sessional Paper No. 999 of 1852.

East India House,
12 April 1858.

(signed) *J. S. Mill*,
Examiner of India Correspondence.

EAST INDIA (NORTH WEST PROVINCES)

COPIES of a DESPATCH from the Governor-General of *India*, dated 25 November 1842, and of the REPORTS of Mr. *Bird* and Mr. *Robertson*, upon the Settlement of the NORTH-WEST PROVINCES, enclosed therein.

(*Mr. Wilson.*)

Ordered, by The House of Commons, to be Printed,
13 April 1858.

E A S T I N D I A.

RETURN to an Order of the Honourable The House of Commons,
dated 5 June 1857;—for,

COPIES “of a DESPATCH from the Court of Directors to the Governor in Council at *Madras*, on the Revision of the Assessment in *South Arcot* :”

“Of DESPATCH from the Court of Directors to the Governor-General of *India* in Council, on the Proceedings in connexion with the Meriah Agency in *Ganjam* and *Orissa* :”

“Of DESPATCH from the same to the same, on the Abolition of the Moturpha and Veesabuddy Taxes at *Madras* :”

“Of DESPATCH from the same to the same, on the *Hyderabad* Assigned Districts :”

“And, of Three DESPATCHES from the same to the same, in the Public Works Department, on the Budgets for 1855-56 and 1856-57.”

East India House, }
2 June 1857. }

JAMES C. MELVILL.

(*Mr. Seymour.*)

Ordered, by The House of Commons, to be Printed,
8 June 1857.

L I S T.

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East India House, }
2 June 1857. }

J. S. Mill,
Examiner of India Correspondence.

CORRESPONDENCE RELATING TO EAST INDIA AFFAIRS.

Revenue Department, 18 July (No. 11) 1855.

Our Governor in Council at Fort St. George.

Revision of the Assessment of South Arcot, &c.

Para. 1. THE letters noted in the margin* report to us the measures now in progress for revising the assessment of the district of South Arcot.

2. The two southern talooks, Manargoody and Chellumbrum, the small talook of Cuddalore, and some extensive jaghires which have reverted to Government, have never been subjected to a regular survey and assessment. The other ten (Hooloos) talooks, have been regularly surveyed, and the records are considered to be sufficiently accurate and complete to render a repetition of that operation unnecessary for the due revision of the assessment.

3. The arrangements proposed by you for the survey of the southern talooks appear judicious, and we doubt not that they will be efficiently carried out by Captain Priestley, whose services you are fortunately enabled to avail yourselves of at this juncture. The measures for organizing additional survey parties which have been entrusted to that officer will, it is hoped, greatly expedite the progress of the work, and will enable you at no distant period to commence proceedings in other districts where similar operations are urgently required.

4. We observe that you have agreed with the Board of Revenue in approving Captain Priestley's recommendation that "where several small fields come together, constituting an area not exceeding one acre in irrigated, and two acres in unirrigated land, they may be surveyed by his ameens in one, noticing however in the register the particulars of each small included field as per cursum's account." In other words, "the proposal is, that the total area of a few small fields should be plotted in the usual manner, but the component fields plotted within the scale by dotted lines, according to the measurement shown in the village accounts."

5. The Board explain that this arrangement has reference only to the professional survey, and they postpone coming to any decision on the subject of fixing a "minimum in a revenue point of view."

6. In the passage quoted in the margin,† the Board refer to the practice in this respect under the Bombay Presidency, and, although they have correctly stated the limitation of size in regard to survey fields, we believe that they are in error in supposing that any minimum "in a revenue point of view" was fixed for fields actually occupied by ryots, although the tendency of the rules is avowedly to favour the aggregation of the small fields, and to discourage the subdivision of those larger fields, which at the time of the survey constituted one holding.‡

7. With

* Letter, dated 1 November (No. 75) 1853 ; Letter, dated 17 October (No. 55) 1854 ; Letter, dated 6 December (No. 72) 1854.

† Para. 26. "The inconvenience of such minute fields was found so great in Bombay, that they actually fixed a limit to holdings, both in the revenue as well as a survey view. They would recognise no field less than what a single pair of bullocks could cultivate—(Bombay Papers, page 4, para. 15, and Rule 1)—i. e. the minimum size for unirrigated fields was fixed at 12 acres, and for rice lands 4. Garden land, it appears from the maps, might be much less."

‡ See Rule 7, at page 5, and Rules 5 to 9, at page 21 of Bombay printed papers, on the system of Revenue Survey and Assessment.

7. With regard to the question of connecting Captain Priestley's operations with the grand trigonometrical survey, which you have for the present decided in the negative, as being likely to lead to delay and additional expense, without adding to the value of the work for revenue purposes, we think that it would be well to consult the Surveyor-general of India before finally disposing of the subject.

8. We shall endeavour to meet your wishes to be provided with the services of a person acquainted with geology and agricultural chemistry, to be attached to the survey, for the purpose of reporting on the soils and mineral productions of the districts undergoing that operation, and of collecting specimens of both, one set to be preserved in each district, and another set forwarded for deposit in the Museum of Economic Geology at Madras.

9. With regard to the ten Hooloos talooks of South Arcot, it is observed by the Board of Revenue, that although from the year 1820, representations have been made by various Collectors as to the necessity of lowering the assessment, no decided measures have ever been taken to afford relief to the ryots.

10. The arrangements now proposed by the Collector, and sanctioned by your Government, are to be based on the existing survey classification of the lands, correction being applied to errors and frauds where they may, in the course of the revision, be ascertained to exist.

11. These remedial measures are summed up by the Board as follows :—

“ Nunjah. 1st. To introduce a general single crop teerwah for all nunjah lands, an additional 50 per cent. being imposed when a second crop is raised by the aid of circar water.

“ 2d. To reduce the nunjah assessment 20 per cent. on the whole, as the lowest rate, which will have a sensible effect on the cultivation, the amount of reduction in individual cases being dependent on circumstances.

“ Poonjah. 3d. To strike off the second crop teerwah, which was included in calculating the produce of some of the lands, and to fix the circar share at 33 instead of 50 per cent. of the gross produce; the reduction in individual cases varying according to circumstances, as in the case of the nunjah fields.

“ Totacal. 4th. To abolish the distinction of totacal, and to bring the lands under the head of poonjah, placing those that have wells in the first tarum, and the others in those classes which will make them correspond with poonjah fields of similar soil and fertility.”

12. We shall notice these proposed measures seriatim.

13. This rule* has been so far modified as to limit the imposition of the additional assessment to those nunjah lands only, which now stand on the register as “ two crop,” or “ doubtful two crop,” lands, leaving the rest of the nunjah cultivation subject only to the single assessment. We approve of this relaxation, but the question has been raised, whether it would not be expedient to extend it to all the nunjah lands without exception. The Board of Revenue observe, that the question is one requiring great consideration, both on account of the large amount of revenue involved in it, and the various forms in which a second crop is now taxed in the different districts. They admit that the system is unavoidably accompanied with some fiscal disadvantages, such as postponing and complicating the annual settlements, and rendering it necessary for the lands of the ryots to be continually scrutinized. The Board solicit that the revision of the South Arcot assessment may be allowed to proceed on the principle of levying an additional cess for a second crop, and they propose in the meantime to take the general question into their consideration.

14. To this suggestion you have acceded, with the proviso, that the consideration of the subject shall not be deferred to an indefinite period, but that it shall be recurred to at an early opportunity. If the question shall not have been already settled, we desire that it may be taken into immediate consideration, and the result reported to us.

15. When

* “To introduce a general single crop teerwah for all nunjah lands, an additional 50 per cent. being imposed when a second crop is raised by the aid of circar water.”

15. When the question shall be again brought before you, we desire that you bear in mind that one of the main objects to be regarded in the revision and improvement of your revenue system, is the imposition of a fixed assessment on the land, with a view to the reduction within the smallest practicable limits, of the interference of the native servants with the operations of the cultivators. If the lands of a village have to be annually scrutinized with the view of ascertaining whether a second crop has or has not been raised by the application of circar water to a portion of them, it is manifest that a minute and harassing interference must be resorted to; and we would readily submit to some temporary loss of revenue for the purpose of getting rid of what we consider so great an evil. The general rules which we should lay down for your guidance in these operations are, that the assessment should be fixed on so moderate a scale, that it could be always paid in ordinary years, and that the ryots should be held liable for the revenue of all the land for which they should engage at the commencement of the Fusly; that remissions, if they cannot be entirely discontinued, should be restricted to seasons of extraordinary adversity; and that the only scrutiny which should be permitted, or would indeed in that case be required, should take place in such extraordinary years alone, when it might be necessary to ascertain what portion of the lands engaged for had necessarily remained unsown, or had proved more or less unproductive to the cultivators, with the view of equitably adjusting the amount of remission to be granted to the circumstances of the different cases.

16. This rule* has also been modified to the extent of authorising a reduction of 25 per cent. on the ten first tarums, or classes of irrigated land, and of 20 per cent. on the remaining six tarums. Sufficient reasons are assigned for this distinction, which, it is stated, will afford a greater measure of relief to the heavily assessed lands which have hitherto been least in request for cultivation, and, in its practical operation, will tend to equalize the assessment of the western with that of the coast talooks, the land-tax on the former being at present lighter than in the latter.

17. The abolition of the second crop *teerwa*† on dry lands seems to have been sanctioned by Government so far back as 1837, but never to have been carried into effect. With regard to the proposed reduction of the circar share from 50 to 33 per cent. of the gross produce, it is to be observed that the term “gross produce” has no reference to the produce of any particular year, but to the estimated produce of each field as recorded in the original survey accounts, which was converted into money at a fixed commutation price, for the purpose of ascertaining the amount of the assessment leviable by Government. The effect of the measure would, therefore, simply be a proportionate reduction in the existing assessment. The remission ultimately authorised was that of 33 per cent. on the eight first tarums, and of 25 per cent. on the four last, and we think that the reasons given for the distinction are satisfactory.

18. *Totacal*,‡ or garden land, will, under the operation of this rule, cease to appear as a distinct head of account. Any ryot, by digging a well on his *poonjah* land, can at once convert it into *totacal*, without being called on to pay any additional assessment, and the distinction will be of no practical advantage. In future revisions of assessment, the only distinction required will be that between irrigated (*nunjah*) and unirrigated (*poonjah*) land.

19. In connexion with these reductions, it has been resolved to abolish the *minha*, or allowance of 10 per cent. on the revenue now granted to certain privileged classes of cultivators. We agree with your Government in thinking that “these peculiar advantages or privileges rarely benefit the possessor, and serve only to maintain unjust and invidious distinctions.”

20. We

* “2. To reduce the *nunjah* assessment 20 per cent. on the whole, as the lowest rate, which will have a sensible effect on the cultivation, the amount of reduction in individual cases being dependent on circumstances.”

† “3. *Poonjah*. To strike off the second crop *teerwa*, which was included in calculating the produce of some of the lands, and to fix the circar share at 33 instead of 50 per cent. of the gross produce, the reduction in individual cases varying according to circumstances, as in the case of the *nunjah* fields.”

‡ “4. *Totacal*. To abolish the distinction of *totacal*, and to bring the lands under the head of *poonjah*, placing those that have wells in the first *tatum*, and the others in those classes which will make them correspond with *poonjah* fields of similar soil and fertility.”

Directions for
Collectors of land
revenue, para. 336.

20. We also entirely concur with you in approving the proposal of the Collector for the formation of a district road fund, by a rentcharge on the land of one anna per cawny on the actual cultivation, which, in ordinary years, will give an annual sum of 25,000 rupees. You are doubtless aware that, in the settlement of the North-West Provinces, a fund for this purpose was obtained by a contribution of one per cent. on the Government jumma, which the zemindars agreed to pay in commutation of the obligation which rested upon them to keep in repair the public roads passing through their estates. The mode of collection suggested by Mr. Maltby is probably, however, better adapted to the nature of the settlements prevailing generally in the districts under your Presidency.

21. We will conclude this portion of our despatch by expressing our high sense of the clear, complete, and satisfactory manner in which Mr. Maltby has placed the whole question of the assessment of the Hoolos talooks of South Arcot before you, and our satisfaction that, as a member of the Board of Revenue, he will be in a position to see that his recommendations, as approved and sanctioned by your Government, are fully and faithfully carried out by his successor in the district.

22. We have perused with much satisfaction the minutes recorded by your President, and especially that of the 16th June 1854, in which, with reference to the statements before him, that portions of the richest and finest lands under your Presidency have been thrown out of cultivation in consequence of the impossibility of paying the excessive assessment charged on them, his Lordship records his determination "to do his best, that not a day or an hour should be lost without endeavouring to apply a remedy to a condition of affairs so unnatural, and so hostile to the best interests of the Government, and of the entire population."

23. We fear that great and needless delay has been permitted to take place in regard to many instances of over-assessment, which have been brought to the notice of the Board of Revenue and of Government, although the existence of the evil has been admitted on all hands. We are aware that in many, and perhaps in most cases, the adjustment of the assessment of a whole district, or even of an entire talook, cannot be satisfactorily carried out without a preliminary survey. But there are also many other cases in which immediate relief might be given without the necessity of any such step. Some of these are noticed in Mr. Thomas's minute of the 23d of June 1854, in which he refers particularly to the state of the assessment of the dry grain talooks of Trichinopoly. The excessive amount and complicated nature of the assessment of these talooks are exhibited in the letter from the Collector dated the 2d December 1852 (appended to Mr. Thomas's minute), and although it would appear that a complete remedy cannot be applied without "an actual survey made for fixing the extent, classification, and assessment of the fields according to the productive capability of the soil," yet it is obvious that the extra cesses enumerated in his 9th paragraph, might be at once abolished without any such operation, and that their relinquishment would relieve the people of a burden equivalent to 6½ per cent. on their present payments.

24. We would suggest that orders should be immediately issued for the abolition of these cesses, and also that you should call on the Board of Revenue to submit for your decision any other cases of a similar nature, which may now remain undisposed of on their records, and in which relief may be summarily afforded without waiting for the result of a regular survey, even if such a proceeding should be ultimately requisite.

Proceedings,
27 April 1854.

25. In commencing their review of the proposed measures for the adjustment of the assessment of South Arcot, the Board truly remark, that the question is, perhaps, one of the most important that has come before them for some time, inasmuch as they are definitely called on to pronounce an opinion as to its bearing on the condition of that district, and to what extent remedial measures should be afforded; the determination of which question, they observe, involves principles applicable to all districts. The remedial measures to be applied to South Arcot having been now decided on, and the general principles on which they should proceed having been in a great measure determined, there can be comparatively little difficulty in applying them to the circumstances of other districts,

districts, and we rely with confidence on your permitting no needless delay to occur in disposing of the reports which have been long before the Board in reference to revisions of assessment in any quarter. We allude particularly to such cases as that of Guntoor, which has been fully treated by Mr. Walter Elliot, the late Commissioner in the Northern Circars, in 1845; and to that of Kurnool, the condition of which, together with the required remedial measures, was brought under the Board's notice, by Mr. W. H. Bayley, when Commissioner in that district, in a report dated the 22d July 1843.

26. In the former of these letters * you have acquainted us with the reasons which have led you to direct the discontinuance of the separate reports hitherto furnished, on the annual settlement of the land and extra revenues of each district, and the preparation in lieu thereof by the Board of Revenue of one general report on the revenue administration of the whole of the Presidency for the year. The first of these reports (for Fusly 1262, or A.D. 1852-3), is transmitted in a printed form with your letter of the 22d November last, No. 66.

N.B.—The Fusly year closes on the 11th July.

27. We entirely approve of this change, by which the mode of reporting and reviewing the revenue administration of your Presidency will be assimilated, so far as the different nature of the settlement will permit, to the practice which has been for some years followed with advantage in Bengal and the North West Provinces. The desultory and unconnected manner in which the separate reports on the several districts have hitherto been submitted to your Government and to us, rendered them of little practical use, and we were altogether without any general view of the results of the revenue administration taken as a whole. In consequence of this alteration in the mode of bringing the results of the revenue management under our notice, we think it unnecessary to reply specifically to such of the separate reports on the land and extra revenues of the several collectorates, as are now before us, as we consider that a review of them in this fragmentary shape can serve no useful purpose, and as they are not of a nature to call for any definite orders, although we shall probably have occasion to refer to them hereafter for purposes of comparison.

28. The report now forwarded is incomplete, inasmuch as it does not comprise any details relating to the extra sources of revenue, and as the report of the Commissioner in the Northern Circars is given separately, the information contained in it, and its appended statements, not being incorporated with those furnished by the Board of Revenue for the remainder of the Presidency. These imperfections will, however, be removed in the report for Fusly 1263, which we trust will shortly be laid before us. We feel assured that the Board will use their best endeavours to cause the report to be regularly prepared and submitted to you at a period not later than that which you have named, viz. the end of the calendar year in which the Fusly to which it relates closes, even if it cannot be supplied some months earlier, a point to which we direct your attention.

Ending 11th July 1854.

29. The report itself is clearly drawn up, and contains very valuable matter for our information; it does not, however, appear to call for much remark beyond the expression of our satisfaction at the results which it exhibits. The total amount of the demand and collection, both of land and extra revenues, is given in the margin, and we observe that both exhibit some increase over those of the previous year. We notice also further evidence of progress in the revenue administration. The beneficial effects of the abrogation of the rule under which lands watered by private wells became liable to additional assessment, are represented to be already apparent; and it is expected that private capital will be freely laid out in improvements. The observations of the Board in paras. 16 and 17 of the report on the importance of maintaining an efficient system of irrigation, and on the means by which existing defects may be remedied, have our full concurrence, and will, we trust, be prominently kept in view.

		Rs.
Demand:—	Land Revenue	- 3,73,51,625
	Extra Revenue	- 1,08,50,573
		Rs. 4,82,11,198
Collections:—	Land Current	- 3,50,05,791
	Subsequent	- 16,95,876
		Rs. 3,67,01,667
	Extra Current	- 1,06,26,755
	Subsequent	- 2,28,959
		Rs. 1,08,55,694
Total Collections		Rs. 4,75,57,361

30. You

* Letter, dated 1 September (No. 51) 1854, para. 2; Letter, dated 22 November (No. 60) 1854.
83—Sess. 2.

Letter, dated
1 September
(No. 51) 1854.

30. You inform us that with reference to paragraph 10 of our despatch of the 2d June (No. 7) 1852, you have granted to the Board of Revenue general authority to reduce the assessment on lands in any individual instances in which it may be clearly shown to be excessive. We approve this arrangement, and we think that it would be desirable that the Board should submit to you periodically, an abstract statement in a tabular form, exhibiting the cases in which they had seen reason to exercise the power thus vested in them, and also of those cases in which over-assessment has been complained of, either by the Collectors or the people, and the reasons for which the Board have not thought it reasonable to accede to these demands.

31. In these paragraphs* you bring to our notice certain cases in which your instructions had been solicited as to the interpretation to be put on portions of our orders, directing the exemption from additional assessment of all lands improved at the cost of the ryots themselves. The instructions issued by you are conceived in a liberal spirit, and have our entire approval. Under them, the ryot will be entitled to enjoy the benefit of all improvements, whether of a temporary or substantial character, effected by means of his own labour and capital. The sole restrictions remaining are for the purpose of preventing the ryot from claiming exemption for wells dug in lands which can already be watered by an existing public work of irrigation, or for wells dug within 100 yards of existing works of irrigation, and liable to derive their supplies from thence. The Board of Revenue have been directed to watch closely the working of these rules, in order that they may be modified in the event of their being found to operate injuriously to the ryot, and to prevent his taking full advantage of the boon conferred on him under our orders. We have already expressed to you our desire that the rule of exemption should be absolute and simple, so that there may be no pretext for interference on the part of the native servants with the proceedings of the ryots in regard to the construction of wells. The limitations above noticed are so clear and definite, that we do not apprehend that they will lead to embarrassment. At the same time, if it shall be found that they tend to restrict the advantage which we intended by our orders to confer on the ryot, and to discourage the construction of wells in particular localities, without being absolutely required for the security of the existing revenue, we shall readily give our consent to their abrogation.

Letter, dated
23d January
(No. 4) 1855.

32. In this letter you inform us of the measures which you have adopted with the view of abolishing the use of the Mahratta language in the provincial cutcherries, and in that of the Board of Revenue at the Presidency. Whatever may have been the causes which originally led to the adoption of Mahratta as the official language of revenue account, it appears certain that they no longer exist, and we entirely agree with you in thinking it most desirable that the use of a language which is not the vernacular of any portion of your Presidency, and the knowledge of which is confined to a small section of the public servants, should be at once abolished, especially as there do not appear to be any difficulties in the way which may not readily be surmounted. The village and district accounts must, we presume, be rendered in the vernacular of the districts to the Collector's office; but the accounts furnished by the Collector to the Board should, we conceive, be prepared in English, and the Board state that there is no obstacle to the immediate and entire substitution of English for Mahratta in their own office.

33. The simplification of the forms of account is also an object of great importance, and we are glad to see that this subject has been taken up by the Board with energy. The omission of the cumbrous details which have hitherto been inserted in the statements periodically submitted for your information, will enable the Board to furnish them shortly after the expiration of the periods to which they refer, and will thus render them of much greater practical value than they are at present.

34. There are some suggestions in your Minutes of Consultation of the 7th November last, the advantages of which we think to be somewhat open to question.

* Letter, dated 22 September (No. 62) 1853, paras. 4 and 5; Letter, dated 24 January (No. 3) 1854, paras. 21 and 22; Letter, dated 8 August (No. 47) 1854, paras. 3 and 4; Letter, dated 22 November (No. 67) 1854, paras. 9 to 11.

question. There can be no doubt that the substitution of English for native terms is desirable, whenever exact equivalents can be found for them; but this we apprehend is seldom the case. Your object we presume to be to convey to the mere English reader a clearer idea of the nature of our administration than he can at present obtain, in consequence of his ignorance of the Indian terms which are of frequent occurrence in official documents. We doubt, however, whether this end is likely to be advanced by the proposed means, and whether the use of English terms, which appear to convey an intelligible meaning, may not, in fact, have a contrary effect; for instance, you express your approval of the employment by the Board of Revenue of the English terms, wet and dry, instead of nunjah and poonjah, lands. The cultivable lands under your Presidency are generally distinguished as nunjah, poonjah, and baghayet, (in some districts different names being used), of which the ordinary English synonyms are wet, dry, and garden lands. But these words, whether in their native or English form, are employed in a technical and unusual sense, and can only be rendered intelligible to an uninformed reader by means of definitions which show that the words are applied to the different descriptions of land in respect to the sources from which they derive their supplies of water, whether from public works of irrigation, from the falling rains, or from wells sunk in the fields themselves. All native terms having a limited and local currency, should be carefully explained whenever there may be occasion to use them; but we doubt whether any benefit would accrue from the disuse of such as are in general acceptance, and of constant employment in official correspondence, and are perfectly understood by all concerned or interested in the revenue administration; and we are, on the contrary, rather disposed to think that the adoption of English words, which, in their ordinary sense, are not exact equivalents of the native terms which they are intended to represent, would be more likely to mislead the reader than to give him more accurate notions of the real meaning of the documents before him.

35. You have also proposed to discontinue the existing system of pointing off large sums by lacs and crores, and to introduce the English plan of notation; of pointing off the figures by hundreds of thousands and millions, at least in the reports and other papers printed by order of Government. The Commissioner in the Northern Circars observes, that the English plan might be adopted without difficulty in all statements submitted to Government; but that, in transactions with the natives, who are familiar only with the existing system of numeration, and in the district accounts, it would not be advisable to make any change; and we presume the same remark is equally applicable to the other portions of your Presidency. The use of one system of notation for the district accounts, and of another for the accounts prepared at the Presidency, could scarcely fail to produce confusion, and to lead to numerous errors of calculation and of transcription; and we do not see that any commensurate benefit would be gained. The existing mode of notation is quite familiar to those whose duty it is to deal with Indian accounts, and it has moreover the advantage that, at the sufficiently accurate exchange of 2s. the rupee, the crore represents precisely one million of pounds sterling.

36. The suggestion that each Collector should be supplied with a printing or lithographic press of a simple and inexpensive construction, for the purpose of striking off official papers for circulation, and blank forms for statements, &c., appears well worthy of consideration; and we shall give our attention to any recommendation which, after further inquiry, you may think fit to submit to us, with the view of carrying it into effect.

We are, &c.

(signed) *E. Macnaughton,*
W. H. Sykes,
&c. &c.

London, 18 July 1856.

Revenue Department, 17 September (No. 12) 1856.

Our Governor-General of India in Council.

Meriah Agency of Ganjam and Orissa.

Para. 1. WE now reply to the letters and paragraphs noted in the margin,* reporting proceedings in connexion with the Meriah Agency of Ganjam and Orissa.

2. The reports and diaries from time to time furnished by the agency officers, continue to indicate a steady progress towards the final eradication of the barbarous practice of human sacrifice. Considering the great difficulties to be encountered, we are disposed to consider this progress satisfactory, and as rapid as, under the circumstances, could have been anticipated. The Meriah officers appear to have applied themselves to their duties with unremitting zeal and attention; their great experience and personal knowledge, which are of far greater weight than any theoretical rules or doctrines, led them to adopt a line of cautious and gradual inculcation of their views. Hasty measures and abrupt innovations would have been attended with considerable danger, and would rather have postponed than accelerated the attainment of the end in view, by arousing the fears and jealousies of ignorant and fanatical tribes, and combining them in hostility against the exertions of the agency officers.

3. Instead of this, it is satisfactory to find that, generally speaking, the chiefs and leading men continue to give their adhesion and co-operation to the principles and measures of the agency. The Khond chiefs have taken a leading part in pledging themselves to abstain from Meriah sacrifices, and the example thus set will, it may be confidently hoped, act beneficially on those tribes whose opposition is scarcely overcome, or whose support and co-operation are but reluctantly yielded.

4. Measures of repression and punishment, however necessary they may be, should always be held subordinate to those of prevention. One of the most powerful among the latter class of measures is education, to which, together with the improvement of communications, and increase of intercourse with civilization, we can look with hope for the rescue of the Hill Tribes from practices which have their origin in ignorance and barbarism, and for the spread of enlightened and humane principles.

5. The attention of the Meriah officers has been directed to this important point, and their exertions have met with some success. We regret, however, to observe, that the progress of education received a serious check in Goomsur, which was partly attributed to the withdrawal of magisterial jurisdiction from the Khond Agent, and its transfer to the ordinary officers of police, whereby the influence and authority of the agency officers was weakened. On the urgent representations of Colonel Campbell, the agent, and Captain M'Vicar, officiating agent, supported by the recommendation of the Madras Government, you invested the officers of the agency with joint magisterial powers within the sphere of the agency, such powers being confined to cases of Meriah sacrifice and female infanticide exclusively, and to be exercised on the same principles as regulate the jurisdiction of officers in the Thuggee department. Under this arrangement the local officers will, we imagine, have no ground of complaint, and we trust that the Khond schools, which had unfortunately been almost entirely closed, will, after

* India Public Letter, 23 December (No. 95) 1853, p. 66, 75 and 76; Bengal Public Letter, 4 January (No. 1) 1854, p. 21, 22 and 23; India Public Letter, 10 February (No. 9) 1854, p. 69, 70 and 78; Bengal Public Letter, 15 June (No. 30) 1854, p. 18; India Public Letter, 18 August (No. 67) 1854, p. 99, 100 to 108; Bengal Public Letter, 28 September (No. 43) 1854, p. 10 to 12; India Public Letter, 27 October (No. 95) 1854, p. 46 to 49; Bengal Public Letter, 28 December (No. 53) 1854, p. 13 and 14; Fort St. George Political Letter, 27 February (No. 2) 1855, p. 14 and 15; Bengal Public Letter, 7 March (No. 4) 1855, p. 8; India Public Letter, 26 March (No. 22) 1855, p. 33 to 43; 27 April (No. 31) 1855, p. 39, 42 and 45; Bengal Public Letter, 4 July (No. 16) 1855, p. 10, 11 and 18; India Public Letter, 10 August (No. 66) 1855, p. 16 to 18, 36 to 41; Fort St. George Political Letter, 25 August (No. 66) 1855; 11 September (No. 13) 1855, p. 18 to 25; India Public Letter, 22 August (No. 70) 1855, p. 22 to 25, 31, 65 and 66.

after their reopening, have been carefully encouraged, and no means neglected for regaining the support of the people which had formerly been extended to them.

6. Tours of personal inspection on the part of the agency officers are calculated to lead to very beneficial results, and should be steadfastly adhered to. Not only do they afford the agency officers adequate means of forming an opinion on the condition of the country, but, by bringing the people into direct communication with the British authorities, and thereby circulating and diffusing a correct knowledge of the benevolent intentions of the Government, they will do much to remove suspicion and hostility.

7. We have perused the report of Captain M'Vicar, dated the 21st May 1855, forwarding a summary of the operations of the agency for the season of 1854-55, which is apparently the result of most careful investigation.

8. The tenor of this report is satisfactory, with the exception of the part relating to Bustar and Jeypoor. The former place is described as the headquarters of the Jennah Poojah, and Captain M'Vicar affirms that "human sacrifices have never ceased to be offered, despite all orders of the Nagpore Durbar and the several Residents at the late Raja's court." The real head of this zemindary is Laull Dologongona Singh, the uncle of the Raja, who appears to be a man of turbulent character, fanatical in the highest degree, and wedded to the superstitious rite of human sacrifice. The promises which he has on various occasions made to successive Residents have never been adhered to, and Captain M'Vicar does not anticipate that much good can be effected in Bustar until he is removed from authority, a measure which does not appear likely to be found opposed to the feelings of the people. We shall be glad to be informed of the measures taken in this matter.

9. The zemindary of Jeypoor appears to be in a thoroughly disorganised condition, and the zemindar nearly imbecile. In the 43d para. of his report, Captain M'Vicar observes, "In the low country of Jeypoor, I regret most unfeignedly to relate that human sacrifices prevail in almost every district. Here, as in Bustar, we have to deal with exclusively civilised and educated men, and not with semi-barbarous tribes, as in the hill tracts of Orissa. The former are not, in my opinion, deserving of the same consideration as the latter, and some sharper and severer measures should be adopted than we have ever yet employed amongst the wild tribes of the mountains."

10. Captain Owen was deputed by Mr. Smollett, the Agent in Vizigapatam, to inquire into the condition of the country. The evidence collected by Captain Owen tended to disprove the present existence of human sacrifices in Jeypoor; although there seems to be little doubt that the practice prevailed extensively a few years since. Nevertheless, with a view of putting an end to the anarchy in which this hill zemindary was plunged, Mr. Smollett, following the line of policy already advocated by Captain M'Vicar, recommended that Government should assume the direct management of the estate. The consent of the Raja had been previously solicited to the measure, but it was declined, the zemindar promising to conduct the affairs of his territory and family according to the views of the Agent. The Government of Madras, however, concurred in the propriety of assuming the management of the country, and measures were accordingly taken with the view of carrying into effect the suggestion of Mr. Smollett.

11. In your letter to the Government of Madras of the 18th July 1855, you express the opinion that the evidence was all against the supposition that the practice of human sacrifice by Hindoos existed in Jeypoor; that the practice of Suttee had not, until recently, been prohibited; and that the result of that prohibition should be awaited before adopting any further measures.

12. While admitting that the state of anarchy which prevailed in Jeypoor was a good reason for assuming the management of the country, you are of opinion that the step is serious, being likely to involve Government in a protracted jungle war, and being one which could not be retraced.

13. You therefore directed that no steps for assuming the management of the country should be taken for the present. Acting on these instructions, the Madras Government recalled their orders.

14. We trust, however, that no unnecessary delay will be allowed to take place in adopting such measures as may be necessary to suppress human sacrifice and infanticide, and to restore order in the district.

15. We observe with satisfaction that the total number of Meriahs rescued in the hill tracts of Orissa during the season 1854-55, was 46, of whom 21 were males and 25 females.

16. Lieutenant MacDonald's tour through the hill tracts of Goomsur, affords another exemplification of the beneficial effects of the personal visits of European officers on the people and native officials, and we entirely approve the orders of the Madras Government that Lieutenant MacDonald, or some other officer of the agency, should make such tours annually. The progress of education in these tracts appears to be very satisfactory; and we approve the measures adopted for extending it. The measures for facilitating traffic by the construction of choultries and wells, at a cost of 1,650 rupees, have our entire approval.

17. The schools recently established in these tracts will be placed under a native superintendent entertained for that purpose, by whom an annual report will be furnished. All measures relative to education in these districts should in future be reported in the educational branch of the Public Department.

18. Vigorous measures were very properly adopted for putting a stop to depredations in the Boad country, and the energetic conduct of Lieutenant MacDonald merited praise.

19. The survey operations in the tributary mehals appear to be progressing very favourably under Captain Saxton; the impediments alluded to in our despatch, dated 18th June (No. 14) 1854, being no longer in existence. The road to Sumbhulpore has been surveyed and partially opened, and it is expected to be available for traffic throughout its entire length during the hot weather of 1856.

20. The country appears to possess considerable mineral resources, and to be well worth a thorough scientific investigation. We shall be glad to receive some of the mineral specimens forwarded by Captain Saxton to Dr. Hunter, at Madras, as stated in the 4th para. of his letter, dated 23d September 1854.

21. In conclusion, we would express our high sense of the services of the Meriah agency officers, who appear to have shown great discretion and assiduity in the discharge of the important duties entrusted to them. It was with the deepest regret we received the account of the death of Captain Frye, an officer so earnest in this cause, and, as you remark, "whose labours have proved of such essential service to the cause of humanity."

We are, &c.

(signed) *W. H. Sykes,*
R. D. Mangles,
&c. &c.

London, 17 September 1856.

Revenue Department, 5 November (No. 17) 1856.

Our Governor-General of India in Council.

Mohturfa and Veesabuddy Taxes at Madras.

Para. 1. YOUR letter in this department, dated the 28th February last (No. 5), reports to us the final result of your deliberations on the subject of the revision or abolition of the Mohturfa and Veesabuddy (taxes on professions, trades, artificers, houses, &c.), under the Presidency of Fort St. George.

2. This question has been the subject of discussion and correspondence between the Government of Madras, your Government, and ourselves, for the last 12 years; and, after an inexcusable delay on the part of the Madras authorities in furnishing the information which had been repeatedly called for, the

the case was at length put in a shape sufficiently complete for decision in the proceedings of the Madras Board of Revenue, dated the 27th March 1848.

3. In a minute dated the 12th September 1848, Mr. Daniel Elliot reviewed the whole question at considerable length, and arrived at the conclusion that the admitted evils of the system might be eradicated to a great extent by a modification of the rates, and a change in the mode of collection; and he offered various suggestions with this object. In a subsequent minute, however, under date the 5th May 1853, he states that a further consideration of the question had induced a change in his views; and he avows that, "feeling more sensibly the difficulty of the proposed reform, and, indeed, almost despairing of the possibility of success in it, and being very strongly pressed by the consideration of the disadvantage that this Presidency will lie under, if it is left subject to taxes of this nature, from which Bombay has been relieved, and which do not obtain in Bengal, his opinion is now for the entire abolition of this revenue."

4. Mr. J. F. Thomas (Minute dated 23d April 1853) considers that "it is not practicable to find a remedy for the abuses which exist under it;" and, in the event of its abolition, does not doubt that the loss of revenue would, at no distant date, be made good to the State from the increasing numbers and prosperity of the non-agricultural classes. "Their advancing wealth," he says, "would extend the market and enhance the value of all products of the land, and better prices would then be obtained by the ryot, and greater stability be thus given to the land revenue. I should not hesitate, therefore, to counsel the entire abolition of the mohurtfa taxes, in a financial point of view, as well as upon the ground of the evils and abuses inherent in them."

Para. 4.

Para. 20.

5. Of all the members of the Madras Government, the Governor alone (Sir H. Pottinger) advocates the retention of any portion of the mohurtfa taxes. The admissions made in his minute of the 28th April 1853, go far, however, in our opinion, to nullify his conclusions; and the numerous modifications which he proposes would, if carried out, still leave many of the inequalities untouched, and most of the openings for abuse unclosed, as they exist under the present system.

6. These proceedings were laid before your Government, with a letter dated the 26th May 1853; but the matter was not taken into consideration till the 31st December 1855, when the Marquis of Dalhousie recorded a minute, in which, after explaining his reasons for delay in disposing of the subject, he expresses himself in the following words: "The mohurtfa taxes, as a whole, are indefensible in principle. They are a direct tax upon humble industry. They press upon the poorest of the people. They press with an unequal pressure. They are felt sensibly; felt as an obnoxious burden; and they give unbounded scope to the worst of all the vexations which we see and detest, but cannot eradicate—the petty oppression of petty native officials." His Lordship accordingly came to the conclusion that "the mohurtfa taxes should be abolished, wholly and unreservedly;" but, looking to the actual financial condition of the Indian empire, he suggested that their abolition should be deferred until the present extraordinary pressure should be removed, so as to admit of the revenue they produce being relinquished with safety.

7. Lord Dalhousie's views were concurred in by Mr. Dorin, but the three other members of Council, Mr. J. P. Grant, Mr. Peacock, and General Anson, pronounce in favour of their immediate abolition.

8. The mohurtfa taxes were abolished in Bengal in 1793, and in Bombay in 1844; and even Mysore, in the heart of the Madras Presidency, is exempted from them. Their average net produce is from 11 to 12 lacs of rupees per annum.

9. The arguments in favour of the abolition of these taxes appear to us to be irresistible. They are confined to one Presidency, which is subject to at least as heavy a pressure of taxation as any other part of India; and, even there, whole districts and parts of districts, as well as particular classes of people, are entirely exempt. They are most unequally distributed over the districts subject to them, four only of the twenty collectorates into which the Presidency is divided, contribut-

Bellary.
Cuddapah.
Tinnevely.
Malabar.

ing upwards of half the total amount. The assessment is arbitrary, irregular, and undefined, resting (except as regards the veesabuddy of the Ceded Districts) on no law, but merely on ancient usage, and thus affording to the native officers employed in their collection ample opportunities of oppression and extortion, of which it is in evidence that they largely avail themselves.

10. We are perfectly satisfied that no modification of the existing system can be devised which would divest it of its objectionable character, and we accordingly convey to you our authority to direct its total abolition, at such time and in such manner as may seem to you expedient.

11. It has been suggested in the course of the discussion, that the mohturfa might be so regulated as to convert it into a house tax or an income tax, or into both combined. Such taxes, if fairly assessed, may be unobjectionable in principle; and, as Mr. Dorin suggests, some similar imposts may hereafter be found unavoidable as a measure of financial necessity throughout India. In the present case, however, any such conversion of the mohturfa taxes would be open to the fatal objection, that it would be continuing to subject the Presidency of Madras to a system of taxation, from which the rest of India would be free; but in thus relieving our native subjects from the payments of imposts which in their mode of collection under our administration have proved oppressive, you will bear in mind that, with the prospect of a reduction also in the amount of the land-tax, you will require to take into your immediate consideration the means of obtaining revenue from other sources, and to notify to those who derive advantage from the remission of the mohturpha, that such is the intention of our Government.

12. With respect to the suggestion of Mr. J. P. Grant, to which you have called our attention, for an increase in the rates of import duty at all the Presidencies, to compensate for the loss of revenue to be occasioned by the abolition of the mohturpha, we must observe that such a measure must be considered, if at all, on its own merits, and not in connexion with the question discussed in this despatch. Mr. Grant has inadvertently stated the general rate of import duty at $3\frac{1}{2}$ per cent. ad valorem, instead of 5 per cent., to which amount it was raised under our orders by Act IX. of 1845.

13. We shall communicate a copy of this despatch to the Government of Fort St. George, for their information.

We are, &c.

(signed) *W. H. Sykes.*
R. D. Mangles.

London, 5 November 1856.

Revenue Department, 6 May (No. 6) 1857.

Our Governor-General of India in Council.

Administration of the Hyderabad Assigned Districts.

1. WITH your foreign letter, dated 28 February 1856 (No. 24), you have transmitted to us a series of papers illustrative of the first year's administration of the districts assigned to us by the Nizam, under the treaty of 1853.

2. The "Memorandum" submitted by the Resident, the late Mr. G. A. Bushby, is so loose in its construction, so vague and unsatisfactory in its details, and so entirely deficient in the practical information necessary to enable us to form a judgment on the measures already taken or those hereafter to be pursued in regard to the administration of the assigned districts, that we are compelled to base our observations on the lucid and comprehensive note prepared by your secretary, Mr. G. F. Edmonstone, on which, together with the Marquis of Dalhousie's minute of the 27th September 1855, your instructions to the Resident, dated the 30th January last, were founded.

3. The

3. The assigned districts were in the first instance formed into five divisions, each under the superintendence of a Deputy Commissioner; viz.—

Northern Berar, Deputy Commissioner, Captain Bullock.

Southern Berar, ditto, Major Johnstone.

Western Districts, ditto, Captain Meadows Taylor.

Eastern Division, Raichore Doab, ditto, Major Hampton.

Western Division, ditto, ditto, Captain Balmain.

4. We propose to treat of the administration of this tract of country under the heads and in the order observed in your instructions to the Resident, premising that, owing to the omission of that officer to exercise any effectual control over the proceedings of the several Deputy Commissioners, there is an entire absence of uniformity in the measures pursued by those officers, always well intended, and generally to a great extent successful, for the protection of the interests of Government, and for the amelioration of the condition of the people, in the revenue, judicial, and police administration of their districts.

5. The state of anarchy and confusion in which the districts were found on their first occupation was such, as you rightly observe, as could not be “permitted to continue in any province under the administration of the British Government,” and it was absolutely necessary that “some system of fiscal management should be devised, which, while it should put an end to all unlicensed exemptions and privileges, and secure a fair revenue to the State, shall, by the recognition of proprietary right in those who can establish a hereditary or prescriptive title, and by the protection of the interests of other cultivators of the soil, invest tenures in land with security and permanency under certain declared conditions, and shall restrict the demand of the State within reasonable limits, which shall not be subject to variation for a fixed term of years.”

6. As a preliminary step to the full attainment of these desirable objects, you propose that there shall be a khusreh survey of the lands of each village, to be conducted by native measurers, subject to the subsequent check of a professional survey of the total village areas. The Resident desires to entrust the duty of measuring the village lands to the putwarries, and you appear to entertain his proposition favourably, though Captain Bullock and Captain Taylor (the only Deputy Commissioners who appear to have recorded any opinion on the subject), state that the putwarries are in general lamentably ignorant, and wholly unfitted for the duty. If this plan should be adopted, the experience of the qualified officers whom you have selected to fill the position of Deputy Commissioners, will enable them to apply usefully the services of such putwarries as may be found to possess accurate information and detailed records of accounts, and to set aside those who are really ignorant and unfit for the duties of their hereditary offices. It should be left to the discretion of Mr. Maltby to appoint for the temporary service, as many ameens as he may find to be requisite, but we hope that, notwithstanding the alleged ignorance and unfitness of the putwarries, he will find that they are not altogether without the means of imparting information of a description which it is indispensable to obtain before forming an opinion of the resources of a village or determining the proper form of its management.

7. The mode of settlement which you propose to introduce is the village system of the North-West Provinces, but without (at any rate in the first instance) the incident of joint and several responsibility for the revenue, and otherwise partially modified so as to adapt it to the existing state of things.

8. The village communities having survived the various revolutions through which the administration of the district has passed, appear still to exist throughout these districts in an imperfect condition, but without possessing, as it would seem, any conjoint or common interest in the lands of the village, which are held by the ryots individually. You propose that the lands should be classed according to the nature of the tenure on which they are held, whether by “meerasdars,” “wuttundars,” “moondkurrees,” (tenants having a right of hereditary occupancy, among whom you intend to include all those who shall have held the same land for twelve consecutive years), and “ooprees” (or tenants at will). The assessment is then to be fixed on each holding, or, if it be found practicable, on the aggregate of the holdings of each class; the total amount on

all the cultivated lands to form the fixed demand of the Government from the village for the term of the settlement (which is not in the first instance to exceed seven years), to be liable to no increase, and, ordinarily, to no reduction. This assessment is to be made "within such limits as shall leave a margin to cover the risks of a fixed contract, as well as a fair profit to the holders, and a proportion also of the net produce to provide for the remuneration of office bearers and other village expenses." To this assessment is also to be added a charge of one per cent. to form a road fund, and possibly, although it is not so stated, an additional one per cent. for educational purposes, as is proposed in the revised settlement of the North-West Provinces.

9. The assessment being thus completed, and the particulars recorded, each class of holders will be called on to nominate one or more of their number as their head man or representative, who is to be the medium of communication between his class and the Government officials, and whose duty it will be to realise the revenue, "in the recorded proportions," from each member of the class, "suing him, if need be, for arrears due." It has been already noticed that your proposal is "to fix the Government assessment on each several holding, or, if that be practicable, on the aggregate of the holdings of each class." If the latter plan be adopted, it is not shown how or by whom the demand is to be apportioned on the lands of the individual cultivators, so as to appear on the records of the settlement, or how the provision that "each cultivator is to be liable only for the demand assessed on his own land," is to be carried into effect. The collections, when made, are to be paid by certain fixed instalments into the local treasury; and an engagement for the punctual payment of the village jumma (including "an additional cess for the remuneration of the head man or representative of his class, and the village putwarree") is to be taken from the representatives jointly.

10. The next point to be considered is the disposal of the waste land, and this, as you observe, is neither a very easy nor an unimportant question. Since neither the village community as a body, nor the individual cultivators, appear to advance any claim of property in the uncultivated lands, they would seem to be at the absolute disposal of Government, in any manner which may be deemed most expedient. The only positive opinion which you express is, that "the Government shall not, within the term of the settlement, be entitled to enhance its demand upon a village, owing to the occupation and cultivation of waste," and you suggest as a desirable and fair arrangement, that the waste should be allotted to the several classes of occupants in proportion to the extent of their cultivated lands, to be held on the same tenure as those lands are held.

11. Adverting to the state of anarchy and confusion in which you describe these districts to have been when transferred to your management, we conceive that it may be practicable to establish, in some tracts of this waste land, a clear proprietary right on the part of the Government, without any infringement of the rights of any others.

12. Even in this case, however, it ought to be conceded in respect to waste lands situated contiguous to the cultivated land of a village, that such village shall possess as much as their existing stock will enable them now to break up, in addition to the area which every village community in India must have remaining waste, for the common pasture of their stock; or the quantity to be assigned, exclusive of the necessary extent of common, might be as much as the village community would engage to break up within a period of three years.

13. With regard to the remainder, we are very desirous that you should consider and report to us without unnecessary delay, on what terms the best calculated for the introduction of British capitalists, you are of opinion it might be practicable to dispose of it.

14. We should have had no objection, as an experiment, to sanction the alienation in perpetuity to any persons of substance and respectability of land belonging to the Government, upon condition of the application of a certain amount of capital to the cultivation of the most valuable products of the soil, although perhaps easy terms of long lease, such as for a period of 20 or 30 years, might at present attract British capitalists of energy and substance, but
the

the districts of the Nizam, assigned to us by the treaty of 1853, do not belong to our Government, and, therefore, with respect to them we have not the power of alienation.

15. The intent and object of the proposed system appears to be (as seems indeed to be admitted by Mr. Edmonstone), an attempt to combine a ryotwar assessment with a mouzahwar mode of management, with the view of getting rid of the minute and inquisitorial interference with the affairs of the cultivators which the former system is supposed to involve. It is admitted that the village communities, although traces of them are everywhere to be found, are not in a sufficient state of completeness to allow of the enforcement of the rule of joint and several responsibility for the revenue, as is provided for in the North-West Provinces. As a substitute for this, however, it is proposed that the elected head men, who are to be representatives, not of the whole village, but of separate and distinct classes of occupants, should nevertheless engage jointly for the whole jumma; but as there is no community of interest, and each occupant (including, we presume, the head men themselves) is to be "liable only for the demand assessed on his own land," and no more, it does not appear how the whole jumma of the village is to be made good in the event of default on the part of individual occupants. We are aware that defaulters are to be liable to ejection, and to the transfer of their interest by sale or otherwise, to any one who may be willing to liquidate the balance and engage for the land; but it may often happen, especially where unoccupied land exists to so large an extent, that no one will be willing to take upon himself the liabilities of the defaulter; and in this case, there seems to be no source from which the whole jumma of the village, for which the head men have engaged jointly, can be made up. Note, para. 63.

16. The proposed head men would in no respect take the place of the lumberdars of the North-West Provinces, who engage for and on behalf of the whole body of ryots, the whole body being jointly and severally responsible for the payment, in certain defined proportions, of the whole village jumma. They are rather in the position of the salaried officers on the Collector's establishment in ryotwar districts, who, while they collect the revenue from the cultivators, are not held answerable for defaulters. It would be desirable, and may be practicable, to arrange with the potal or other head man of the village that all collections should be made through him, and that so long as the jumma of his village is paid by the stipulated instalments into the local treasury, no interference on the part of the revenue officers would be permitted, and the ryots would be left to manage their affairs in their own way during the term of the settlement. This course might probably lead, in the end, to the voluntary establishment of a kind of joint responsibility among the ryots themselves. But where no such joint responsibility exists, and there is no community of interest and feeling among the cultivators, it appears to us impossible that cases of default in the payment of revenue, disputes as to the occupation of waste, and many other similar questions, can be dealt with satisfactorily without calling in the aid of the revenue officer.

17. We are therefore of opinion that the proposed scheme for the revenue administration of these districts has not received sufficient consideration, and that your object in revising it should be to construct one which shall be suited to the actual condition and requirements of the people with whom you have to deal, and which can be efficiently worked with the materials which you have at command, rather than with reference to the supposed merits or defects of the systems which have been adopted in other parts of India. All the revenue settlements which have been effected of late years, or which are in contemplation, have proceeded on the principle of determining, in the first instance, the amount to be demanded from the individual cultivators; and that point being fixed, it has been left to be decided, according to the usages, wishes, and circumstances of the people, whether, as a matter of policy or convenience, the collection of the revenue should be effected by a direct demand on the ryots themselves, as in Madras and Bombay, or by employing some intermediate agency, such as the representatives of the village communities or talookdars, as in the Punjab and the North-Western Provinces.

18. We do not desire by these observations to discourage you from attempting, if you should still consider such a plan of administration best suited to the circumstances

cumstances of the people, to introduce a combined scheme of village management and ryotwar or fieldwar assessment into the assigned districts. We shall be anxious to receive the matured opinion of Mr. Maltby on the subject, after he shall have had sufficient time to make himself fully acquainted with the condition and circumstances of the country under his charge. We desire that you will furnish him, for his information only, with a copy of our despatch of the 17th of December last (No. 17) to the Government of Fort St. George, on the subject of the revision of the assessment about to be undertaken in the districts subject to that Presidency.

19. We entirely agree with you that the execution of the revenue settlement should be confided to a separate class of officers, to be hereafter appointed, and that this duty should not be added to the labours, already sufficiently arduous, of the Deputy Commissioners.

20. The next subject to which your instructions relate is the settlement of the huqs or perquisites of village and district officers, and the deh sadur, or village expenses.

21. We are not prepared to admit the correctness of your conclusion that the pergunnah offices (those of Deshmook, Deshpandya, &c.) were not in their origin hereditary, although it appears that they required in all cases, when under the sway of the Mahrattas, the confirmation of the ruling power. The right of investigating claims to offices of this description, and of confirming the claimants in their possession, when they are enabled to produce valid titles, has accordingly passed to our Government. The holders may appear to have long ceased to perform any real duty, but it should be ascertained whether this has arisen from the condition of anarchy which has been described having subverted the ordinary system of administration, or from the actual incapacity of the incumbents. The sudden discontinuance of their emoluments would be a harsh measure, and would probably plunge most of those who have hitherto enjoyed them into absolute poverty. We approve, therefore, of your having authorised the grants subject to your sanction, to all such as can prove the possession of office for a series of years (from 35 to 50), or whenever there may be reasonable grounds for abstaining from immediate deprivation of a provision for life, either in land or in money, equivalent to 5 per cent. on the revenue of the talooka, on which they possess a claim.

22. The remuneration to be assigned to the village officers (potails and putwarrees), and the amount to be allowed as deh sadur or village expenses, are to be inquired into and determined at the time of the settlement, by the officers engaged on that duty.

23. No information is afforded in these papers as to the extent or value of the lands held as jageer, enam, &c. We entirely agree with you, that all claims to exemption from the payment of revenue, as well as all claims to money allowances, should be investigated and decided with all practicable expedition. The cases of land held rent-free for service by the potails, putwarrees, and village servants, are to be reported by the settlement officers in classified lists, to be disposed of by the competent authorities, according to rules similar to those which were laid down for the guidance of the officers in the Punjab. All other claims are to be at once taken in hand by the Deputy Commissioners, and reported, with the opinion of the Resident, for your decision.

24. The instructions which you have issued for the establishment of the village and district police, on much the same system and scale as they exist in the Punjab, appear to us to be proper.

25. The immediate introduction of our police into the Surfi Khas jaghires, (estates of which the revenue management is specially reserved to the Nizam and his officers), has been properly directed, the cost of the establishment being chargeable to the revenues of the assigned districts. The importance of either inducing the Nizam to exchange these talooks for others not geographically incorporated with the assigned districts, or committing the fiscal management of them to our officers, the actual revenues being paid into his treasury, is so great, that notwithstanding the repugnance which his Highness is stated to have evinced to such a course, we agree in the propriety of your instruction to the
Resident

Resident to open a negotiation, with the view of endeavouring to settle the question on one or other of those bases.

26. On the arrival of the Deputy Commissioners in their districts, it appears that they found no courts of any description for the administration of civil justice. Those officers immediately set themselves to supply this obvious and great deficiency, which was accomplished by the establishment of moonsiffs' courts. In the absence, however, of any instructions from the Resident for their guidance, the judicial powers entrusted to the moonsiffs, their mode of procedure, and even the law which they were to administer, differed in all the divisions.

27. This diversity of practice it was of course necessary to correct at once, and you have proposed to effect that object by abolishing the moonsiffs' courts, and transferring their powers to the tehseeldars, or officers holding that position in the assigned districts, to be exercised under rules similar to those which have been provided for the conduct of civil judicial proceedings in the Punjab. Before absolutely directing this change, we think it would have been well to have ascertained by local inquiry, whether the tehseeldars or other officers occupying that position in the assigned districts are, as a class, competent by their previous habits and acquirements, and by freedom from pressure of other duties, to discharge judicial functions, equally with officers of a similar rank in the Punjab.

28. The same want of uniformity has prevailed in the administration of criminal as in that of civil justice. You have defined the powers to be exercised by the Judicial Commissioner, the Deputy Commissioners, the Assistant Commissioners, and the extra Assistants; and you have directed the observance of the spirit of the Bengal Regulations, and the adoption of rules of procedure similar to those provided for the Punjab. The question of entrusting to the officers in the position of tehseeldars, authority to try criminal cases of minor importance, has been left for future determination. In finally deciding on the manner in which justice, both civil and criminal, shall be administered by the subordinate functionaries, we desire that the principles laid down in our judicial despatch of the 24th September last (No. 41), may not be lost sight of, and we would particularly call your attention to paras. 12 and 22 of that despatch.

29. With respect to jails, you propose that there should be one at the headquarters of each district, sufficiently commodious to receive the whole of the annual average of prisoners, and constructed in all the districts on one approved plan. We trust that in erecting these jails, care will be taken to afford to each prisoner the space stated by the Medical Board to be absolutely necessary; viz. 500 cubic feet.

30. The question as to the language to be adopted for purposes of business and record is to be determined after the receipt of a report on the subject from the Resident, the information before you as to the existing practice in the several divisions not being sufficiently complete to enable you to arrive at a decision on that point.

31. As it is probable that, for some time at least, the revenues of the assigned districts will not be sufficient to supply the means of providing for their material improvement, it will be necessary for the British Government to advance the requisite funds. Jails, cutcherries and other edifices which are necessary for the transaction of public business must be regarded as part of the ordinary expenses of management, and as such are chargeable on the ordinary revenues. Some expenditure for the formation and improvement of the means of communication, beyond what will be supplied from the one per cent. road fund, will also be required. Should the British Government be called on to defray the cost of these works in the first instance, you propose that the amount should remain as a debt, to be recovered as the revenues improve, interest at 6 per cent. being chargeable until its liquidation.

32. Whether a different course should be pursued, as you propose, in the case of reproductive works, such as works of irrigation, requires further consideration. This, and all other questions connected with the ultimate adjustment of accounts with the Nizam, will be disposed of hereafter in the Political Department.

33. In the meantime we desire that distinct accounts may be kept of all expenditure on public works of whatever description. In regard to works of irrigation, or others of a reproductive character, we think that, in order to prevent the possibility of cavil or dispute hereafter, the increased receipts should not be taken, as has hitherto been the practice in the Madras district, in the form of an enhanced rate of assessment on the irrigated land, but in that of a distinct water rent, as is the case in the North-West Provinces. The ordinary assessment, which the land would bear in its unimproved condition, and the amount received as water rent, subject to the charges for establishments and repairs, should be shown in separate accounts, so that no doubt can exist as to the actual advantage derived from the construction of the works in question.

34. The instructions which you have issued relative to the medical school at Hyderabad, the erection of a hospital at the Residency, and the establishment of dispensaries in the assigned districts, have our approval.

35. The talook establishments vary materially in the several districts, both in the number of persons employed and in the rates of pay assigned to them. You have properly directed the Resident to submit fresh lists for your sanction, framed, as far as practicable, on the model of those which have been found sufficient in the Punjab.

36. In our Political despatch, dated the 5th March (No. 14) 1856, paras. 14 and 15, we sanctioned the appointment of a Judicial and Financial Commissioner, to control, under the general superintendence of the Resident, the civil administration of the assigned districts. You inform us, in your letter of the 17th June (No. 67), that you have appointed Mr. Francis N. Maltby, of the Madras Civil Service, to that office, and you transmit a copy of a resolution defining the powers to be exercised respectively by the Judicial and Revenue Commissioner and by the Resident at Hyderabad, the latter of whom must, under the terms of the treaty, superintend the administration of the assigned districts. The rules laid down for the guidance of the Commissioner appear to us to be judicious and proper.

37. The reduction of the number of Deputy Commissioners from five to four by the union of the two divisions of the Raichore Doab, at the salaries given in the margin,* so as to afford to you the means of promoting deserving officers, is approved, as is also the establishment of six Assistant Commissioners, and of 12 extra Assistant Commissioners, of which latter, six will be employed on the special duty of settlement officers.

38. We approve entirely of the abandonment (in common with all other frontier duties) of the puchetra, or frontier duty on salt. The salt thus imported has already paid the excise duty in Bombay, and ought not again to be subjected to taxation.

39. The retention of the abkaree, under improved arrangements, and the abolition of the molhurtfa, are also approved. We have authorised the general abolition of the latter tax throughout the Madras Presidency (where alone it continues to be levied) in our despatch dated the 5th November last (No. 17) 1856.

40. The projected establishment of town duties for municipal purposes, and for the maintenance of a town police, in the manner which has been so eminently successful in the Punjab, is a measure which well deserves to be carried into execution.

41. The information furnished in the Resident's "Memorandum" as to the actual financial results of the first year of our occupation, and the probable results for the future, is so confused and defective, that we observe you have refrained altogether from alluding to those results in your review of that paper. Mr. Edmonstone, in his "Note," paras. 143 to 158, has striven to collect into one view the materials scattered over the "Memorandum" and its Appendices, from which some opinion on these points might be formed; but the materials are still

* One Deputy Commissioner at 1,500 rupees per month; two Deputy Commissioners at 1,200 rupees per month; one Deputy Commissioner at 1,000 rupees per month.

still so imperfect, that we can arrive at no more definite conclusion than that the revenues of the assigned districts will not, for some time at least, be more than sufficient to defray the charges properly debitable to them, and that no surplus applicable to the payment of the principal of the debt can for the present be expected.

42. The local revenue year had commenced some days prior to the transfer of the country to our officers, and the settlement, such as it was, had been made by the servants of the Nizam, by whom also a portion of the year's revenue had been collected. The Deputy Commissioners could, therefore, only endeavour to protect the interests of Government, and to collect so much as, with a due regard to moderation and justice, could be demanded from the ryots; and this object they appear to have exerted themselves actively, and with much success, to attain.

43. In conclusion, we have only to state, that we concur cordially in the thanks which you directed to be conveyed to the Deputy Commissioners (as named in para. 3), "for the zeal, the ability, and the industry with which they have laboured, under circumstances of great difficulty and of some discouragement," in the administration of the districts committed to their charge.

44. We take this opportunity of acknowledging the receipt of the paragraphs noted in the margin* relative to revenue arrangements in the assigned districts, which have been transferred to this department, but which do not now call for remark.

We are, &c.

(signed) *R. D. Mangles,*
F. Currie,
&c. &c.

London, 6 May 1857.

Public Works Department, 9 July (No. 16) 1856.

Public Branch.

Our Governor-General of India in Council.

Para. 1. WE now proceed to reply to the letters noted in the margin,† relating to the budgets of public works proposed for execution in the several Presidencies, and in the different divisions of territory directly subject to your Government, during the year 1855-56.

2. In your instructions to the subordinate Governments providing, in accordance with our orders on the subject, for the submission of the annual budgets, it was directed that the budgets should consist of two statements: the first containing projects of new works, for which, on account of the large amount of the estimated cost, the sanction of superior authority was specially required, and showing both the total estimated expense and the sum proposed to be expended on each work during the year; the second comprising all works which had already received sanction, whether from us, from your Government, or from the local Government, and exhibiting, in successive columns, the expenditure already incurred, that proposed for the year, and that expected to remain for future years.

3. We

* Foreign Letter, dated 7 November (No. 95) 1854, p. 61; Foreign Letter, dated 16 March (No. 20) 1855, p. 60 to 62, 66 to 68, 74 to 76; Foreign Letter, dated 8 September (No. 51) 1855, p. 43 and 44; Foreign Letter, dated 22 November (No. 64) 1855, p. 62 and 63, 67 and 68; Foreign Letter, dated 2 June (No. 56) 1856, p. 93 to 95, 119 and 120.

† India Public Works Letters, dated 22 June (No. 16) 1855; dated 6 July (No. 20) 1855; dated 24 August (No. 25) 1855; dated 24 August (No. 27) 1855; dated 24 August (No. 28) 1855; dated 14 September (No. 30) 1855; dated 14 September (No. 32) 1855; dated 5 October (No. 34) 1855; dated 5 October (No. 35) 1855; dated 12 October (No. 36) 1855; dated 26 October (No. 38) 1855; dated 16 November (No. 40) 1855; Budgets of Public Works for execution in 1855-56.

3. We shall first review, in succession, the statements received by you under the above orders, and your proceedings on them, so far as relates to the works sanctioned, and to the amount of expenditure authorised; and shall then make such remarks as seem to be called for on the general question of the preparation and submission of these important documents.

Bengal.

4. Statement No. 1 of the Bengal Budget contained nine projects, involving an estimated cost of 33,51,298 rupees, or 28,08,298 rupees if the less expensive of the two designs which had been prepared were selected for the General Treasury building.

4,17,204 rupees
Jessore Road,
1,00,000 rupees.

5. Under the opinion expressed by us as to the building referred to, the item was altogether struck out of the budget, and the same course was followed on various grounds with respect to the building for the Presidency College, and for the College of Civil Engineering, and to the metalling of the Tumlook Road. You sanctioned the expenditure noted in the margin* for the works specified, and retained in the budget, pending our orders, the new Post-office building (estimated at 3,23,782 rupees), and the road from Calcutta to Jessore at an estimated cost of 4,17,204 rupees. You will have learnt from our despatch dated 26th February (No. 4) 1856, that we have not sanctioned the design for the Post-office. We have provisionally approved the formation of the road from Jessore, contingent on the failure of any satisfactory railway project, and the amount may stand in the budget, subject to the revised estimate now under preparation.

Works in State-
ment No. 2,
33,82,966 rupees.

6. The amount proposed to be expended on the works contained in Statement No. 2 was 33,82,966 rupees; but the additions of the several heads show a discrepancy of 4,862 rupees from Lieut.-colonel Goodwyn's summary, which should not have been allowed to occur. This expenditure had all been provided for by previous sanction, except the 3,00,000 rupees to be spent on the Dacca and Arracan Road, of which, though the general design had been approved, no estimate had been submitted; and a large proportion of the sum of 6,67,372 rupees, the amount of proposed expenditure on the repair and extension of embankments. You very properly allowed this item to stand, and we approve your orders for the immediate preparation of estimates in the first case, and for the separation in future, as regards embankments, of the cost of repairs from that of new works.

7. The total amount to be expended in 1855-56 is thus on works newly projected, 1,97,434 rupees, and on works previously sanctioned, 33,82,966 rupees, making together 35,80,400 rupees †.

North-Western
Provinces.

8. The new projects submitted for sanction in Statement No. 1 of the Budget of the North-Western Provinces consisted of eight works, estimated to cost 9,31,958 rupees, of which 5,24,445 rupees were proposed to be expended in 1855-56.

9. You have sanctioned, on what appear sufficient grounds, the works noted in the margin.‡ You reserved for consideration, in correspondence with the Bengal Government, the erection of new buildings for the opium agency at Ghazee-pore, amounting to 40,000 rupees; and you have submitted for our sanction proposals for the construction of a bridged and metalled road from Meerut to Roorkee, for the bridging of the portion of the Great Deccan road already metalled,

* Estimated Cost.		To be Expended in 1855-56.
Rs.		Rs.
30,000	Custom-house sheds - - - - -	30,000
34,000	Cutcherry at Pubna - - - - -	34,000
33,434	Cutcherry at Bhaugulpore - - - - -	33,434

† Total estimated expenditure on new works in Bengal in 1855-56, 35, 80,400 rupees.

‡ Estimated Cost.		To be Expended in 1855-56.
Rs.		Rs.
1,21,984	Wells on the Grand Trunk Road - - - - -	71,000
83,860	Kylas Canal in Rohilcund - - - - -	60,000
60,000	Mango Graft plantation on Ganges Canal - - - - -	20,000
43,852	Raising and bridging road from the Jubbulpore to Kuttenghee	23,852

metalled, and for the raising and metalling of the remainder of that road between Jubbulpore and Nagpore.

10. We fully recognise the importance and economy of connecting Roorkee, from which the various departments in the North-Western Provinces are now supplied to so great an extent with tools and instruments, with the other districts of the Presidency; and we accordingly sanction the construction of the road projected with that object.* We have, as you remark, constantly evinced our sense of the importance of the Great Deccan Road, and our readiness to sanction any well-considered measures for its improvement. We authorise the construction of the bridges now proposed† on the portion of the line between Mirzapore and Jubbulpore; and we approve, under the circumstances, of the permission accorded to the Lieutenant-governor to proceed with the bridge over the Parry at Nuddee in anticipation of our orders. We observe that several large rivers on this road, which do not appear, however, to present serious obstacles to traffic, will still remain unprovided with bridges. We sanction the estimates for raising and metalling the portion of the Great Deccan Road‡ between Jubbulpore and Kamptee, and, in compliance with your request, we give you general authority to take measures for the bridging of this division, on the understanding that estimates are to be framed previously to the commencement of the work, and forwarded to us for final approval.

11. The intended expenditure on works in Statement No. 2, as per margin,§ is stated by you to amount to 24,72,308 rupees, including 8,00,000 rupees for military buildings, previously sanctioned in anticipation of the estimates, which you have requested the Lieutenant-governor to submit without delay. In an examination of the totals of this statement, we find that the total amount of estimates sanctioned is 24,14,594 rupees, while the amount expended is stated at 137 lacs, the discrepancy appearing to arise in great measure from the mode in which the expenditure on the Ganges Canal is entered in the statement. In the column also of "To be expended in 1855-56," eight lacs are inserted for tuccavee, and the eight lacs proposed for barracks are omitted: moreover, the addition of this column should be 24,72,308 rupees, instead of 24,71,708 rupees. This statement has the signature of Mr. Muir, the Secretary to the Government of the North-Western Provinces, but it never could have been properly verified.

12. The proposed expenditure in 1855-56, on works in Statement No. 1, has been shown to be 4,84,444 rupees; and that on works in No. 2 is taken at 24,72,308 rupees; the total amount to be expended is therefore, within the year, 29,56,752 rupees.|| We observe that you are of opinion that a considerable portion of the expense in constructing the wells on the Grand Trunk Road may probably be "borne by wealthy natives, who will be glad to come forward with their money for the purpose, their names being recorded on tablets on the wells constructed at their expense." It is always our desire, as you are aware, that the natives should be encouraged to co-operate in works designed for the good of the country, and we have accordingly received with much gratification the above expression of your opinion.

13. In reference to the public works carried on in the Punjab, we have read Punjab. with surprise and displeasure the following extracts from a letter, dated 22d May 1855, from Lieutenant-colonel Baker, secretary to the Government of India, in the department of Public Works, to the Commissioner in the Punjab:—

"I am

* Estimated cost 2,19,625 rupees; Roorkee Road; to be expended in 1855-56, 1,00,000 rupees.

† Estimated cost 1,16,598 rupees; bridges on 1st division of Great Deccan Road; to be expended in 1855-56, 84,592 rupees.

‡ Estimated cost 2,50,848 rupees; raising and metalling 2d portion of Great Deccan Road; to be expended in 1855-56, 1,25,000 rupees.

§ Works in Statement No. 2, 24,72,308 rupees.

Total sanctioned.	Expended.	—	—
Rs. 24,14,594	13,70,714	24,71,708	2,43,236

|| Total estimated expenditure on new works in the North-Western Provinces in 1855-56, 29,56,752 rupees.

"I am directed to state, that the Honourable the President in Council is desirous of having before him a statement of the monthly expenditure at present being incurred in the construction of public works in the Punjab; his Honor in Council being under the impression that the outlay on this account is very greatly beyond what the Government has any conception of, and beyond what the chief engineer in the Punjab can have the means of properly superintending."

Also, the following, being extract from the reply to the above, dated 4th June 1855, of Mr. Temple, secretary to the Chief Commissioner, to Lieutenant-colonel Baker :—

"From various causes none of the monthly or annual returns prescribed by the Government resolution of the 21st April 1854, have been received. The Chief Commissioner has had some difficulty in ascertaining accurately the current expenditure for public works since the establishment of the department on its present footing. Since January last, however, the chief engineer has rendered monthly returns of the assignments issued by him on the district treasuries in favour of the executive officers. From these statements the Chief Commissioner became aware that the expenditure was becoming excessive; and after some consideration, and inquiry, he arrived at the conclusion that some positive check on existing and contemplated outlays was called for. Consequently, on the 28th May, a letter* was addressed to the chief engineer, which, for various reasons given, prescribed, that for the present no assignment or letters of credit were to be issued without the previous sanction of the Chief Commissioner. A copy of this letter is appended, and that will explain all that the Chief Commissioner can desire to submit on the subject. Abstract schedules of assignments issued during the past year, and of the probable requirements of the department in cash for the next six months, are appended. A statement of the assignments for the past three months (that is, the quarter of February, March and April), also accompanies.† It will be seen that during the past year, just closed, no less than 94 lakhs have been disbursed, and that the chief engineer proposes to spend 58 lakhs more during the next six months. This latter amount will now, however, it is hoped, be greatly curtailed." And in a letter from Mr. Temple to Lieutenant-colonel Napier, dated 28th May 1855, he is reminded that

* No. 525.

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
† February 1855 -	9,43,255	7	9
March " -	4,23,230	3	7
April " -	12,63,520	-	-
TOTAL -	<i>Rs.</i> 26,32,005	11	4

between the 19th April 1854 and 26th May 1855, he had been called upon seven times for his estimates and monthly assignments, and that, "although a year has elapsed since the formation of your department, yet no such return has yet been received;" that in regard to expenditure the Commissioner "is not able to acquire any accurate or regular acquaintance with that part of the subject;" and further, that "the assignments which you have granted on your own authority have aggregated a very large sum, and their current monthly amount shows an increasing ratio. For several months past they have exceeded 10 lakhs per mensem, and risen even to 13 or 14 lakhs for works of all kinds, both civil and military. At its present rate, the expenditure of your department will be not less than a million and a half sterling per annum." It hence appears that very extensive works have been undertaken without previously well-considered estimates, and involving disbursements of so grave an amount as to entail financial difficulties; and that the chief engineer, Lieutenant-colonel Napier, has given letters of credit or assignments to his subordinates upon the local treasuries by his own authority; and when called upon by the Chief Commissioner for the returns prescribed by the Regulations, did not furnish them. In consequence, the Commissioner very properly had recourse to the stringent measure of directing the local treasuries not to pay assignments without his previous sanction, and he limited the maximum monthly disbursements to 5 lakhs, or 60 lakhs per annum.

14. We approve of the communications made by Lieutenant-colonel Baker, by order of the President in Council, to the Chief Commissioner, regarding the non-transmission of the estimates of public works in time for the budget. It is indispensably necessary that our orders on the subject should be rigidly enforced.

15. We observe that ample testimony is borne to the untiring zeal and ability of Lieutenant-colonel Napier; but a want of method in matters of account and finance, and a neglect of orders with respect to the important matters upon which

which he has been addressed, neutralise his qualifications as a public servant, and a continuance of such neglect will render it necessary for you to make other arrangements for the due discharge of the duties of his department, in conformity with the system prescribed by you. We must add, that we cannot acquit the Chief Commissioner in the Punjab from blame for allowing those irregularities in so important a branch of the local administration, and must express our surprise that the power of granting assignments on the local treasurers should have been at any time allowed to the chief engineer without control by the Chief Commissioner.

16. We now proceed to notice the proposed disbursements for 1855-56. The sum asked for by the chief engineer, Lieutenant-colonel Napier, was 1,00,49,534 rupees, and the proposed expenditure in 1855-56, on works already sanctioned or in progress, amounted to the sum of 95,79,534 rupees, classified by your secretary under the following heads:—Military works, 40,00,000 rupees; road operations, 30,01,011 rupees; canal works, 22,40,000 rupees; miscellaneous, 3,38,523 rupees. For a large proportion of these works no estimates had been submitted by the chief engineer, the operations progressing under the general sanction given to the projects, and, as seems likely in some cases, without any sanction at all.

17. In passing in review the sums put down for various works, many of these, it appears to us, are not of an emergent character, and in others, the cost appears very much disproportioned to the work:—

At Meean Meer, a central church, 40,000 rupees; Mooltan new fort, 2,97,496 rupees; Methan Kote viaduct, 1,00,781 rupees; Sealkote female hospital, Her Majesty's 27th Regiment, 80,000 rupees; Sealkote married barracks, 1,47,148 rupees; Sealkote permanent privies, 75,250 rupees; Peshawur school, serjeants mess, and canteen, 58,593 rupees; besides 6 lacs for barracks. Meean Meer, 12 single cesspool privies, 54,000 rupees; Kussowlie, four double-storied barracks, and one married men's barrack and hospital, 3,47,000 rupees; Dugshai prison cells, 62,324 rupees; while the new hospital is to cost only 12,929 rupees for medical staff and convicts. The total of the columns of the general abstract for estimates of works in Statement 7, is 1,91,60,570 rupees, and, as 100 lacs is asked for 1855-56, we infer that 91 lacs have already been expended on the several works. The Chief Commissioner says (4th June 1855,) that assignments upon the local treasuries by Lieutenant-colonel Napier in 1854-55 were 94 lacs, and for the months of February, March, and April, 26,32,005 rupees.

18. When the budget came before you on the 10th July 1855, its tabular form was that of 1854, which had been set aside by that of August 1854, and the number and order of the statements were irregular. You saw no reason to modify the decision previously pronounced as to the amount to be expended on public works in the Punjab, in any one year; and you accordingly fixed 60,00,000 rupees as the limit of expenditure for 1855-56.* The Baree Doab canal works, which had been sanctioned on regular estimate, were ordered to be carried on without interruption: on the Lahore and Peshawur Road, whose roughly estimated cost is a crore, or 4,000 l. a mile, and on any other unestimated work it was decided that all operations, but such as might be indispensable, should be stopped till arrears of accounts of past works, and estimates for further portions, should have been completed; and the less urgent half of the military works was ordered to be postponed till the succeeding year. It was expected that by these means forty lacs of rupees would not be required, and that the total expenditure would thus be brought within the specified limit.

19. The works contained in the budget of public works for the Straits Straits Settlements. Settlements consisted of a new Protestant church, estimated at 1,20,932 rupees, or, by using convict labour, at 40,000 rupees; a new court-house, and a new Government house.

20. You

* Total intended expenditure on works in the Punjab in 1855-56, 60,00,000 rupees.

20. You sanctioned the estimates for the church and the court-house ; postponed, in the absence of a plan and estimate, the project for a new Government house ; and authorised the erection of a new post-office (at an estimated cost of 18,288 rupees),* stated to be greatly required, and only withheld from the budget by the Governor, on account of the greater supposed urgency of the other works.

21. No expenditure on new works previously sanctioned seems to be required in the Straits Settlements in 1855-56, and the total sum to be expended in that year is limited to 40,000 rupees.†

Pegu and Mar-
taban, and Tenas-
serim. 22. You remark, that the statement forwarded by the Commissioner of Pegu “was incomplete as a mere list of works, and was useless as a financial statement, owing to numerous and important omissions.” We greatly regret the impossibility of including in the general sketch of the expenditure proposed throughout India for 1855-56, the expected cost of the numerous and expensive works in progress in Pegu. We agree with you, however, that under the circumstances, a complete budget was not to have been expected ; and we join in the hope that exertions will be made to introduce method and order into the department, and that full information may be supplied in next year’s budget.

23. No works seem to have been in progress under the Commissioner of Mar-
taban and Tenasserim, and no matured projects were submitted for sanction ; and the Commissioner seems to think they will be confined for some time to roads and the electric telegraph. We observe that you have authorised a topographical survey of the country between Mergui and Moulmein, with a view to the formation of a first-class road throughout the length of the two provinces. Estimates for this work will of course appear in a future budget, should the project on examination be found to be practicable.

Nizam’s Assigned
Districts. 24. The statements submitted by the resident at Hyderabad were very imper-
fect, both as to substance and form ; and as no engineering establishment has yet been organised for the assigned districts, complete returns were not to have been expected.

25. You very properly refused to sanction any considerable expenditure on roads, till the best lines could be selected by a competent engineer officer ; and the works authorised for the year 1855-56, estimated in the aggregate to cost 1,31,432 rupees, consist for the most part of official buildings.

Madras. 26. The budget submitted by the Madras Government contained in list No. 1 of new works, a proposed outlay of 26,15,381 rupees, and in list No. 2 of sanctioned works, of 75,50,165 rupees, of which 32,84,498 rupees had been already laid out. It was proposed to expend on works in this list, in 1855-56, the sum of 34,49,705 rupees ; and on those in list No. 1 of new works, it was proposed to lay out 17,09,475 rupees, making a total proposed outlay in 1855-56, of 51,59,179 rupees, with a future outlay of 17,21,769 rupees, making a total, with the amount already expended, of 1,01,65,446 rupees. In statement No. 1, twenty-four new projects required the sanction of superior authority, the greater number of them being of considerable importance, and their total estimated cost 26,15,381 rupees.

27. The sanction of two of the proposed works, viz., the formation of a direct road from Madras to Cuddapah ; and the construction of an annicut for purposes of irrigation on the Huggry River, in Bellary, was postponed by you on the ground, as regards the first project, of the uncertainty as to the construction of a railroad in the general direction of Cuddapah ; and as regards the second, of the

* Total Estimated Cost.		To be expended in 1855-56.
Rs.		Rs.
40,000	New church - - - - -	20,000
35,000	Court-house - - - - -	10,000
18,288	Post-office - - - - - (assumed)	10,000

† Total estimated expenditure on works in the Straits Settlements in 1855-56, 40,000 rupees.

the incompleteness of the information which the Madras Government had been in a position to supply. You also declined to sanction an item of 1,00,000 rupees on account of Lieutenant Haig's expedition to the Upper Godavery. The amount seems to have been applied for, under a misapprehension or forgetfulness of the immediate objects of Lieutenant Haig's deputation, which, besides the execution of the small works specifically sanctioned on the recommendation of Major Frederick Cotton, were intended to be limited to examination and inquiry, as the basis of future operations. We are desirous that these preliminary objects should be accomplished in a thoroughly efficient manner, and funds should be supplied for the purpose. When it shall have been ascertained, after complete investigation, what results may be expected from operations on the bed of the river, and what the probable expense of such operations will be, you will then be in a position to decide under the authority we have conveyed to you on the plan which may be best adapted for carrying out the important object of rendering practicable the navigation of the river. In the meantime, we approve the tenor of your instructions to the Madras Government.

28. The projects noted in the margin,* amounting in the aggregate to 12,19,242 rupees, received your sanction, either under the ordinary powers vested in you, or under the general sanction given by us to the prosecution of particular works. Of the above estimate it was proposed to expend 7,73,585 rupees in the year 1855-56. In this amount is included the cost of the Palar and Adyar Canal, to which we gave our sanction in our despatch dated 29th December (No. 105) 1854, for which you seem to have approved an additional estimate, and which you directed should be added to this list of works. The projects enumerated seem likely to promote, in varying degrees, the objects proposed; and we approve the sanction given to them. We notice with peculiar satisfaction the intended improvement of the harbours of Coringa and Coconada, and we agree with Mr. Grant in anticipating great benefit from the application of engineering skill and experience to this class of works.

29. The works which, under the rules in force, you necessarily reserved for our orders are estimated to cost in the aggregate 12,11,941 rupees, of which 7,65,887 rupees were to be expended in 1855-56. They are enumerated in the margin,† and to all of them we readily give our sanction.

30. The

* Total Estimated Cost.		To be expended in 1855-56.
Rs.		Rs.
3,15,932	Irrigation and navigation works in central delta of the Godavery	2,00,000
1,99,930	Bridge over the Kistna Annicut, at Beywarah - - -	1,00,000
62,838	Improvement of Coringa Harbour - - - - -	62,838
84,639	Improvement of Coconada Harbour - - - - -	84,639
49,060	Improvement of Palghât and Trichore Road in Malabar, with Bridges and Branches - - - - -	35,000
52,083	Road from Calicut to Palghât Road - - - - -	35,000
34,996	Gradual improvement of roads in Canara - - - - -	34,996
50,000	Bridge over Punniar River on Southern Coast Road - -	25,000
30,743	Bridge over Hindree River at Kurnool, to connect the town and the cantonments - - - - -	20,000
38,000	Bridge over the Coleroon on the Southern Road (estimated cost 1,30,000 rupees; contribution from Pagoda Funds, 92,000 rupees - - - - -	15,000
36,112	Repair and strengthening of Nussarum Aqueduct in Rajahmundry - - - - -	36,112
43,037	Additional sea groins on beach at Madras - - - - -	22,000
2,21,872	Palar and Adyar Canal - - - - -	1,00,000
12,19,242	Rs.	7,73,585
Rs.		Rs.
† 2,34,304	Canal between Toonee and Samulcotta - - - - -	1,50,000
1,17,339	Canal from Samulcotta to Coconada - - - - -	1,17,339
1,22,357	Junction canal from Mogultoor to Coconada - - - - -	70,000
79,550	Channel from Roodoonair to Perikeed - - - - -	79,550
1,34,834	Channel from Perikeed to Dendaloor - - - - -	80,000
2,37,106	Prolongation of canal from Weegoor to Masulipatam - -	1,00,000
1,46,787	Canal from Kistna Annicut to Kurnool - - - - -	80,000
1,39,664	Extension of canal from Doogoorauzepatam to Kistnapatam Back-water - - - - -	89,000

* No. 7 on list.

30. The projects occurring first, fourth, fifth, and seventh in order, will form a continuous line of water communication 182 miles in length from Toonee, in the northern part of Rajahmundry, to Inganampadu, six miles south of Guntur. This line will constitute a portion of the intended "East Coast Canal," the formation of which was suggested by a committee of engineer officers, to whom was entrusted, shortly after the arrival of Lord Harris at Madras, the task of selecting such public works as might seem most worthy of immediate execution in that Presidency. We reserve the expression of our opinion on this important subject till it comes before us in a more direct manner; but, in the mean time, we sanction the construction of the detached portions connected with the Kistna and Godavery works, as well as of the extension of the canal* from Doogoorauzepatam to Kistnapatam, which forms part of the same general design.

31. The second and third projects, are canals of navigation only, designed to connect the coast canal and the other channels in the Godavery delta with Coconada; while the prolongation of the Weegoor channel to Masulipatam, besides affording means of irrigation, will complete the water communication between Masulipatam and Ibrampatam, which we expressed our desire to see effected in our public despatch, dated 27 April (28) 1854. From the remarks of Lieutenant-colonel Baker it would appear to be doubtful, whether the double objects of irrigation and navigation can be effectually secured, to the extent hoped for by the Madras Government, in some of the channels: but there seems no reason to doubt that the respective works will prove highly valuable, even if Colonel Baker's views should be verified, and the advantages realized be limited to the primary purposes contemplated in their formation.

32. The proposed expenditure on new works already sanctioned, is shown in Statement No. 2, to amount to 34,49,705 rupees.† The total amount to be expended in 1855-56 on works in list No. 1, being 15,39,474 rupees, the whole anticipated expenditure of the year on public works, exclusive of repairs, would amount to 49,89,179.‡ The Madras Government believed that the means of effective superintendence would be available for all the works proposed for execution, but we trust you will have satisfied yourselves that these anticipations have been verified, and that for such a work, for instance, as improving the tidal harbour of Coringa, the aid of an officer of ability, and possessing qualifications suited to the peculiar character of the work, has been secured, before operations are allowed to be actually commenced. You will cause the Government of Madras to have a general sketch map, adverted to by the secretary to the Government of India in his memorandum of the 7th of May 1855, constructed without delay, and not less than 40 copies sent to us as soon as practicable.

Bombay.

33. The total cost of sanctioned works and new works is 1,02,33,555 rupees, of which it is proposed to expend in 1855-56, 32,30,489 rupees. The new works comprised in statement No. 1 of the Bombay budget, were fifteen in number, and their estimated cost was 18,68,580 rupees.

34. You thought it necessary to await further information regarding the opening out for cart traffic of the road from Peinth to Balsar, before submitting the project for our approval; and the same course was resolved on, with regard to the proposed construction of barracks and hospitals, for a regiment of European infantry, at Colaba. The scheme proposed by Mr. Frere for a boat canal to avoid a dangerous rapid on the Indus, near Bukkur, was considered by you too immature for sanction; you postponed a decision with regard to an artillery school at Ahmednugger, pending the settlement of a standard design for schools generally, and you declined to sanction the grant of 50,000 rupees to be used at the discretion of the Commissioner in Sind, in the execution of emergent public works, which was recommended on the ground of the shortness of the working season in that province, and the distance of the controlling authority. We are of opinion that sufficient grounds were shown in the correspondence submitted by the Government of Bombay, for vesting in the Commissioner

† Works in Statement No. 2; to be expended in 1855-56, 34,49,705 rupees.

‡ Total estimated expenditure on new works in the Madras Presidency 1855-56, 49,89,179 rupees.

sioner in Sind some special discretion, as regards expenditure on public works. Such a delegation of authority would be by no means new as a matter of principle, as the revenue officers, at least in the Madras and Bombay Presidencies, are at present authorised to incur expenditure, within specified limits, on works of public improvement. We think, therefore, that a similar discretionary power, to an amount suited to the circumstances of the province, might be conferred on the Commissioner in Sind, who should, however, be required to submit a half-yearly statement of the manner in which the power in question may have been exercised.

35. Your sanction was given to the works enumerated in the margin,* estimated to cost in the aggregate 4,07,472 rupees, of which it was proposed to expend 2,61,461 rupees in the year 1855-56. We approve the sanction given to the expenditure required to complete the road over the Deweh Ghât, and any remarks we may have to make on the proceedings in connection with the work will be communicated to the Government of Bombay. The proceedings of that government with regard to the church at Hyderabad, do not seem to have been in accordance with our orders on the subject of church-building generally, though the Government express an intention of seeking contributions from private individuals before finally carrying out the design. It is desirable that a full understanding should be come to, as to the sources from which the funds are to be provided, before any plan is finally approved by Government; and our orders, limiting the contribution of Government to the cost of a plain substantial building, and leaving all additional expense to be defrayed from private sources, must be constantly acted on.

36. The projects to which our sanction is solicited are limited to the construction of four bridges on the Poona and Nassuck Road; and a dépôt for Government timber on the coast near Colaba to be formed on ground to be reclaimed from the sea for the purpose.

37. We sanction the construction of the proposed bridges on the Poona and Nassuck Road,† which is a line of great importance, and in which improvements have been effected to a considerable extent in recent years. As regards the timber dépôt, which it is proposed to form at a cost of 1,74,074 rupees, the information before us, as to the inconvenience which has resulted from the want of such a dépôt, or, as to the advantages of the particular plan recommended for supplying the deficiency, is not such as to convince us of the urgency of the work. With reference, therefore, to the present great demand for an enlarged expenditure on works of undoubted public importance, we desire that the formation of the proposed dépôt may be suspended till further information on the subject has been placed before us.

38. The intended expenditure on the works comprised in Statement No. 2, amounts to 32,30,489 rupees; but in calculating the outlay on new works, 1,66,000 rupees may be struck off this sum, on account of "Extraordinary Repairs," which are included in the statement to an amount exceeding 2,00,000 rupees, of which it is intended to spend about five-sixths in 1855-56. The expenditure on List 2 would thus be reduced to 30,64,489 rupees; which, added to

* Total Estimated Cost.		To be expended in 1855-56.
Rs.		Rs.
30,686	Completion of the road from Humsour to Sassoor - - -	30,686
68,191	Improving and metalling a portion of the Agra and Bombay Road - - - - -	68,191
74,620	Road over the Koondalaree Ghât, between Surat and Mulli-gaum - - - - -	10,000
39,528	New church at Hyderabad, in Sind - - - - -	25,000
28,514	New custom-house at Kurrachee - - - - -	28,514
34,070	Altering European Barracks at Belgaum - - - - -	34,070
72,265	New Barracks for the married soldiers of artillery at Ahmed-nuggur - - - - -	35,000
59,598	Alterations in the Artillery Barracks at Ahmednuggur - -	30,000

† Total estimated cost 1,65,613 rupees; bridges on Poona and Nassuck Road; to be expended in 1855-56, 1,41,413 rupees.

to the amount in List No 1, sanctioned by us, and by your Government, makes a total sum of 33,67,363 rupees to be expended on new works in the Bombay Presidency in 1855-56.*

39. The summary given in the margin † shows the total amount of the proposed expenditure in all the Presidencies, as stated by us in the preceding paragraphs, which, except as regards the Punjab, is all on account of new works. We have not included any sum on account of Pegu in this summary, on account of the opinion expressed by you as to the character of the statements received by the Commissioner. We observe, however, that in the statement drawn up in the office of your secretary, of the probable expenditure in 1855-56, the outlay on works in progress in Pegu is assumed at 30,00,637 rupees, which will raise the total amount to 2,40,64,331 rupees.‡

40. This amount differs to a considerable extent from that (2,47,48,219 rupees) exhibited in the statement of the prospective expenditure on new works in 1855-56, which was forwarded in your letter, No. 36, of 1855. The discrepancy may in part be accounted for by the statement in question, including all the sums recommended by you for our sanction, some of which, either under previous orders, or under those contained in this despatch, will have been struck out of the budget. We observe, however, that there is included in the statement the estimated cost of the enlargement of the opium agency buildings at Ghazee-pore, which you stated in your orders on the North-Western Provinces' budget to be still under consideration, and that among the works stated to be sanctioned in the Straits Settlements, there is apparently inserted the cost of the new Government house, which was expressly reserved by your orders for the budget of the succeeding year. The amount of the expenditure said to have been recommended for our sanction under the head of the Public Works department in the Bombay Presidency, is also stated at a much higher sum than is borne out by the budget. With these manifest inaccuracies in the statement which you have forwarded, we must assume that the result at which we have arrived from our own examination of the budgets, and your proceedings thereon, is substantially correct.

General Remarks.

41. It was not practicable to observe in the preparation of the budgets which we have now reviewed, the orders on the following points, contained in our despatch, dated 20th December (96) 1854, on the new arrangement of the Public Works department for Madras, and which orders should be made applicable to all the Presidencies :

1st. The assignment of a fixed annual sum within which the expenditure on public works shall be confined.

2dly. The submission of a full report by the controlling authority in the department of Public Works, of the capabilities and requirements of the territory under its care, as to works of public improvement.

3dly. The calculation of the cost of ordinary and extraordinary repairs of public works, a statement of which is to be submitted to the Government of India for information, each year.

42. It will, probably, be some time before a judgment can be formed as to the annual sum which should be set apart for public works in each Presidency. We

* Total estimated expenditure on new works in the Bombay Presidency in 1855-56, 33,67,363 rupees.

	Rs.
† Bengal - - - - -	35,80,400
North-Western Provinces - - - - -	29,56,752
Punjab - - - - -	60,00,000
Straits Settlements - - - - -	40,000
Assigned territories of the Nizam - - - - -	1,00,000
Madras - - - - -	49,89,179
Bombay - - - - -	33,67,363
	Rs. 2,10,33,694

‡ Pegu, 30,00,637 rupees; total estimated expenditure for all the Presidencies, 2,40,64,331 rupees.

We desire, however, that you report to us your opinion on the subject, when sufficient knowledge as to the wants of each division of territory may have been acquired.

43. We desire that our orders for a report on the works required in each Presidency, founded on a comprehensive view of its "capabilities and requirements," may be complied with as soon as practicable. The Bombay Government forwarded to you a sketch map, containing a system of roads, which the chief engineer of that Presidency proposed to make the basis of his future operations, but this does not in any way meet the object in view. The subject should be seriously and deliberately considered by the officer at the head of the department of Public Works, in consultation with the other departments of the administration. The conclusions to which he may come should be brought under the review of the local government, on whose responsibility the plan, with such modifications as they may deem fit, should finally be submitted to you. When such a scheme, embracing not only the means of land communication, but all other branches of public works, shall have been approved, the labour of the several Governments in deciding on the works to be recommended for execution in each year will be materially abridged and simplified.

44. The maps which you have ordered to accompany each budget, showing the roads in various stages of progress, and those proposed for execution, will be very useful, and will of course be forwarded to us.

45. There is a point of very considerable importance connected with two of the projects discussed in the foregoing paragraphs to which we desire to direct your especial attention, not only with reference to the particular works in question (those of the Great Deccan Road between Mirzapore and Kamptee, para. 10), and the road between Lahore and Peshawur (para. 18), but to all cases of a like character which may present themselves in any part of India. The point is this, before the introduction of railways into India was contemplated, or, in other instances, before the direction of the several lines was determined on, ordinary roads were planned, and more or less of progress has been made towards their completion. The great and expensive steps of metalling and bridging these roads are now in actual execution, or in immediate prospect. But the courses of some of these roads, and especially of those above mentioned, are almost identical with the lines which have been selected for railways, a means of communication far preferable, of course, even to the best ordinary road. In all such cases, it should be a matter of careful consideration, whether, with reference to the limited pecuniary resources of your Government for all public works, it be expedient to expend, to take the example of the Lahore and Peshawur Road, so large a sum as 4,000 *l.* per mile, being about half the average cost of a railway, upon a work, the use and advantage of which will be in a very great measure superseded, as soon as the projected railway between these two important stations has been completed. As soon, indeed, as that has been done, the want of the country will manifestly be not a road, however good, running parallel with the railway, but roads of the best description that can be made, running at right angles with that great instrument of personal and commercial intercourse, and connecting with its stations all the most important districts on each side of its course. These considerations would seem to point to the importance in such cases of keeping the best object steadily in view, and of husbanding our resources, in order to promote it at the earliest date, and in the most effectual manner.

46. As a secondary matter, it may be well to consider, in case it be deemed expedient on sufficient grounds to build bridges of any magnitude for an ordinary road, in a part of the country which it has been determined to traverse by a railway, whether such works might not be constructed at such points and in such a manner as to embrace both the objects in view, to be used for the road until rails can be laid over them for the larger and better purpose.

47. We observe that you have ordered that the amount of estimated repairs should be included in Statement No. 2 of the annual budget. It is our wish that expenditure on new works should be kept entirely distinct from that on

works sanctioned and in progress, and on repairs ; and that on repairs should be exhibited in a separate statement.

48. You very properly informed the Government of Bengal that the works included in the budgets should not be arranged according to the circle of superintendence under which they might fall, but should be classified according to their respective characters, so as to exhibit the total proposed expenditure on each general class of works. This instruction should be made general, and it would be desirable that the distinction ordered in para. 30 of our despatch No. 96 of 1854, to be made in the accounts of the department between "expenditure in the nature of investment of capital, and disbursements having no such character," should be observed in making the classification.

49. We have already noticed the irregularity committed by the Bombay Government with regard to the church proposed to be built at Hyderabad. A similar course was pursued in respect to the church at Singapore, at which flourishing and lightly-taxed settlement it could least of all be expected that the community should be provided with church accommodation at the expense of Government. It seems necessary, in order to guard against such instances of disregard of rules deliberately adopted, that before proposals for the construction of churches, or for the execution of other public works, are considered in the department of Public Works, the question whether the particular works proposed should be undertaken at all by Government, and how far existing regulations may bear on the proposals, should be considered in the department to which they may respectively belong.

50. The question of the manner in which funds are to be provided for the expenditure which we have now sanctioned, and which we may hereafter sanction on public works included in the annual budgets, does not come before us in this department. It is sufficient here to remark, that our attention has recently been given to the subject in the financial department, and that the instructions conveyed in the present despatch are to be regarded as subordinate to the orders as to the limitation of expenditure conveyed in our financial despatch, dated 17 June (No. 48) 1856.

51. The orders which you have given, that the annual budgets shall be forwarded to you not later than the month of January preceding the commencement of the official year to which they relate, will secure the object of enabling you to decide on those projects which may be beyond the power of the local Government to sanction, and may come within the limits to which you are empowered to authorise expenditure on particular works. For those larger works, however, on which a reference has to be made to us, the time will be insufficient to allow of our orders reaching India till some time after the year has commenced. We refer for your consideration the mode in which any inconvenience arising from this cause may best be avoided ; and we would observe that it is not, in our opinion, absolutely necessary that all references with regard to new projects should be reserved for the annual budgets, although they will necessarily be included in them when presented. In the case of roads and other works, which may form part of a general plan or system, the rule may be necessary ; but in respect of buildings and other works, complete in themselves, there seems to us no objection to proposals being submitted for our orders, in anticipation of the budgets, the plans being still entered in Statement No. 1, for the year of execution.

52. We have only, in conclusion, to express our entire approval of the determination which you have evinced, in dealing with the budgets of 1855-56, not to sanction the prosecution of any work of importance till plans and estimates shall have been framed, and till all the facts which can materially affect the question of its expediency shall have been fully ascertained and considered. It is mainly from a disregard of this sound principle that the department of Public Works in the Punjab has been brought into such a state of confusion ; and it is only by its future maintenance, and by securing the means of scientific supervision for all works in progress, that in the prosecution of public works on an extended scale, inefficiency of execution and wasteful expenditure can be effectually prevented.

53. We

53. We have to remark, that the collections are needlessly encumbered with elaborate specifications and measurements of works, and calculations of labour in cubic feet of earth, which can in no way assist our judgment in deciding upon the utility of the works proposed.

We are, &c.

London, 9 July 1856.

(signed) *W. H. Sykes,*
R. D. Mangles,
&c. &c.

Public Works Department, dated 17 April (No. 8) 1857.

Our Governor-General of India in Council.

Para. 1. On the 3d November last we received the Madras Budget of Public Works for 1856-57, referred to in your letter, No. 58, of the 9th September, having previously, at intervals, during the preceding seven weeks, received with your letters,* Nos. 36, 42, 48, and 56, the budgets for the assigned provinces of Hyderabad, for Bengal, Bombay, and the North-Western Provinces. The budgets for the Punjaub, Nàgpore, the Straits Settlements, and Pegu had not then arrived. We were, however, unwilling on that account longer to withhold our instructions respecting such as had already reached us, and which we shall here review after making one prefatory remark.

Budgets for 1856-57 of Bengal, the North-Western Provinces, the assigned Provinces of Hyderabad; Madras and Bombay.

2. The budgets before us purport to exhibit, among other particulars, the expenditure authorised for the year 1856-57, both on uncompleted works sanctioned in former years, and on newly projected works sanctioned either by the subordinate governments or administrations, or by yourselves; and likewise the expenditure recommended for the year on new projects, of higher estimated cost, for which our sanction is requisite. These budgets should, conformably to prescribed rule, have been sent to you by the 1st January. The earliest of the budgets, however, that for the Hyderabad provinces, is dated 23d February, that for Bombay on the 27th February, and the other three either in March or April. Not one of those received came into our possession until the middle of September, and some are still wanting, so that the authority which we may now give for expenditure during 1856-57 cannot possibly, in most instances, reach the officers who should act upon it until the year for which the expenditure may have been authorised shall have nearly, if not entirely closed.

3. The discrepancy hence resulting between actual and authorised expenditure, both for the current, and for at least one future year, is a smaller evil than the delay in the commencement of important works consequent on delayed sanction. This delay will be the more protracted, because, though what is termed the "working season" in India terminates in the spring, and about the same time as the official year, it does not recommence till the autumn, so that a road or a canal planned in 1855, and which would have been begun in September 1856, if our sanction had been received early enough, may now have to be delayed, not merely until next April or May, but until the following September or October.

4. We make great allowance for the shortcomings of establishments newly organised, but it is evident that unless the delay alluded to can be prevented in future, the budgets in their present form must perplex and mislead not only those who seek in them for financial statistics, but also the executive officers, who regard them as containing programmes of the ensuing season's operations.

5. As regards ourselves more particularly, it is impossible for us, in the absence of any one budget, to take a comprehensive view of the proposed expenditure for the whole empire; or, in case the state of the finances should render imperative the postponement of some of the projected works, to determine satisfactorily what particular works in the different Presidencies should be deferred. You should carefully collate the budgets of every part of India before selecting from

* Dated respectively 8 and 31 July, 18 August and 1 September 1856.

from them any schemes for recommendation to us, and you should at the same time be careful to furnish us with such a synopsis as that of the budgets for 1855-56 which was transmitted with your letter, No. 36, of the 12th October 1855.

6. With this preliminary observation we proceed to examine the budgets before us.

Bengal.

7. The first of the two statements of which, agreeably to the form prescribed, the Bengal budget consists, contains (exclusively of new projects rejected or deferred) nine new projects which have received your sanction, and four which are referred for our decision.

8. Of the nine projects sanctioned by you the aggregate estimated cost is 3,43,531 rupees, of which 2,93,838 rupees were to be expended in 1856-57.*

9. Of the projects submitted for our consideration, the first is for remodelling and metalling a road, or rather a system of roads, in Cuttack, consisting of three branches; 1st. From Rajghaut, on the boundary of Midnapore, to Cuttack, 131 miles. 2d. From Cuttack to Poree, 50 miles. 3d. From Cuttack to the frontier of the Madras territories, on the way to Ganjam, 69 miles.

10. The first two branches constitute the "Pilgrims' Roads" to Juggernaut, and the third, known as the "Khoordah Road," is a main link in the communication between Calcutta and Madras; but all three must always have been in a very unsatisfactory condition. So long ago as 1848, the present chief engineer described them as from 20 to 26 feet wide, and as being raised from one to five feet above the adjoining ground, but as unmetalled, and liable, for want of sufficient waterway at the bridges, to continual breaching from floods. Nothing has since been done to supply this radical defect, and they have consequently been progressively deteriorating.

11. You now request our sanction to three estimates, amounting respectively to 6,41,655 rupees, 84,451 rupees, and 1,66,929 rupees, for the virtual reconstruction of the three roads; the first estimate prepared by Mr. Armstrong, Civil Engineer, the other two by Lieutenant Dixon, Executive Officer of the Cuttack Division.

12. Mr. Armstrong's estimate relates to the line from Rajghaut to Cuttack, of which he is in charge, and is accompanied by a minute and elaborate report. This states that the road runs for the most part through a low, level plain, bounded on one side by the sea, and on the other by ranges of hills, from which, during the rains, swollen rivers and torrents descend towards the coast. The larger rivers are unbridged, but 284 bridges, placed along 131 miles of road, open a passage to the smaller streams. The bridges, however, consisting generally of arches from two to eight feet wide, afford so inadequate an opening that the floods periodically overtop the road, covering it with several inches of water, and making numerous breaches, sometimes as much as 350 feet long, and 16 or 18 feet deep. In these circumstances it is evident that the most essential improvement, and that which must precede all others, is increased waterway; and for this Mr. Armstrong would provide by altering old bridges and by building new ones, substituting arches of 12, 16, or 20 feet span for those of two, four, or six feet.

The

	Total Estimated Cost.	Amount to be expended in 1856-57.
	Rs.	Rs.
* New dispensary at Calcutta - - - - -	26,175	26,175
Platform for crossing an unbridged river - - - - -	4,691	4,691
Bridging road from Debroghur to Gola Ghaut - - - - -	1,00,000	1,00,000
Road from Silchar to Asoloo - - - - -	44,580	44,580
Road from Chirra Poonjee to Asoloo - - - - -	25,000	25,000
New gaol at Scebsaugor - - - - -	46,846	25,000
New Collectors' cutcherry at Mozuffurpore - - - - -	29,072	18,000
Shed on customs export wharf - - - - -	41,971	25,196
Inspection bungalows in the Cuttack Division of embankments	25,196	25,196
Rs.	3,43,531	2,93,838

The road would next be raised and metalled, for at present its surface exhibits chiefly a very tenacious, plastic clay, cut up into deep furrows during the rains, until wheeled traffic becomes almost impossible, and hardening afterwards with the same unevenness under the influence of the sun and wind. We desire here to call your attention to para. 4 of our letter of the 14th January 1857, wherein we informed you, that for the repair of roads in this country it is occasionally the practice of contractors not to bring any material for metalling, but half burn the soil, and then beat it into a macadamised road. We are desirous that an experiment of this description, on a small scale, should be made on the road now referred to. The estimate for all that is proposed, in order to make this a first-class road, suitable for traffic at all seasons, is 6,41,655 rupees, or about 5,000 rupees a mile. The rates, generally, are stated to be moderate, and those of masonry low; but what may be regarded as a fact of especial significance is, that the estimate includes a sum equal to one-fourth of its whole amount, on account of what are styled "annual repairs" for 1855-56, which must, we presume, have been executed as temporary expedients, even though no permanent improvements had been designed. These repairs relate principally to damage occasioned by floods; and if the average annual cost of such repairs may be inferred from the estimate for 1855-56, there can be little question as to the economical advantage of getting rid of the constantly recurring necessity for them by an outlay equal to four times their annual cost. We accordingly sanction that part of the project which relates to the road between Rajghaut and Cuttack. As this road, however, runs through a flat, level plain, we would suggest to you whether this might not be a good place to try laying down tram-rails. The road would still be left perfectly good for all other kinds of traffic, and the saving in draught power would be very great.

13. Our sanction must be withheld, for the present, from the two other portions of the project, embracing the road from Cuttack to Pooree, and the Khoordah road. Estimates for re-modelling these roads are furnished,* but are unaccompanied by reports, because, as is stated by Lieutenant Dixon, he could not, without making an inspection tour, in company with Lieutenant Harris of the Embankment Department, decide whether certain embankments, proposed by the former, might not supersede the necessity for renewal of certain bridges, proposed by himself. The bridges here alluded to are all on the Cuttack and Pooree road, to which alone Lieutenant Dixon's reason for not submitting a report could apply; and with respect to that road, the reason assigned by him should have equally prevented his submitting an estimate, which, with one large item left blank, is not in a state to receive our sanction.

14. On the Khoordah road Lieutenant Dixon seems to have thought that there was nothing "requiring any particular report;" but there is one most important point on which information is indispensable. Upon this road, according to Colonel Goodwyn, there are 200 bridges, which it is to be feared are not in general constructed on a better principle than those on the Rajghaut and Cuttack road. If this be the case, it is essential to know, and we direct immediate inquiry, whether their deficiency in water-way does not cause similar damage from floods, and whether the expense of heightening and metalling the road, while the bridges remain unwidened, would not be money worse than thrown away, since it is obvious that a loftier embankment, which did not effectually resist an inundation, could serve only to make that inundation more violent and disastrous.

15. The second project upon which our decision is required is one for the formation of a road, 27 miles long, from Jeeagunge, in the neighbourhood of Moorshedabad, to Nulhattee, the nearest station on the line of the East Indian railway; this scheme is in partial substitution for a design previously entertained of connecting Calcutta and Moorshedabad by a direct road, the necessity for which is now of course superseded by the railway. We have already pointed out to you, on more than one occasion, how desirable it is, that, simultaneously with the railways, lateral roads, which may serve as feeders to them, should be constructed;

* Estimate for the Khoordah Road, 84,451 rupees; estimate for the road between Cuttack and Pooree, 1,66,929 rupees.

constructed ; and the proposed road from Jeeagunge to Nalhatty, while serving this purpose for a district of extraordinary productiveness, would at the same time connect Moorshedabad with Calcutta much more effectually than an ordinary highway in a direct line between the two cities.

16. The estimate for the short road proposed amounts to 2,15,772 rupees, or about 7,791 per mile ; but this high rate provides for a line with gradients and curves adapted to the branch railway, which, it is not doubted, will hereafter be constructed upon it. Although, however, it is obviously expedient in this case to adopt such breadth of road and such curves as may afterwards serve for a railway, there would seem to be no advantage in making, in the first instance, easier gradients than may suffice for a common road. For this reason, the cost of earthwork may, as you observe, be reduced, and a reduction of one-fourth may also be expected in another item, since the width proposed to be metalled may, in your opinion, be safely reduced from 20 feet to 15. We sanction the project with such modifications as are implied in these remarks.

17. We also accord a qualified sanction to the third estimate referred to us ; viz., that for constructing a new gaol of masonry at Akyab, at an expense of 1,56,948 rupees. The former gaol, a thatched wooden building, was burnt down in 1853, and since that time, the prisoners have been “ hutted in miserable sheds,” from which it is absolutely necessary, both for their health and their safe custody, to remove them as soon as possible. On this account it is most desirable that a new gaol should be built at once ; but the plan, as now proposed, besides being probably susceptible of minor modifications, calculated to diminish its cost, is also, you inform us, designed on a larger and more elaborate scale than would otherwise be necessary, in order to fit it for the reception of “ term convicts,” under sentence of the Supreme Courts. These convicts are now transported to Akyab ; but you are considering the policy of discontinuing transportation for terms short of life ; and, in case of its abolition, a gaol for local criminals would suffice at Akyab. Pending a decision on this point, our sanction to the amount of the present estimate as a maximum is solicited, and we accord it in order to prevent further delay in providing suitable quarters for prisoners at Akyab.

18. On the questions of drainage, ventilation, and space, the opinion of the Inspector of Prisons for Bengal will necessarily have been called for.

19. The last of the projects referred to us is for remodelling the opium factory at Patna, at an estimated cost of 1,34,227 rupees. To this our sanction has already been given in a separate despatch.

20. The total estimated cost of the four works thus sanctioned is a maximum of 11,48,602 rupees, of which it was proposed to expend 5,41,114 rupees in 1856-57.* The amount to be expended during the same season on works already sanctioned, is entered in Statement No 2 of the budget, at 35,99,684 rupees, exclusively of 1,00,000 rupees † subsequently allowed for unforeseen contingencies. The aggregate amount, therefore, appropriable during the year to public works in Bengal may be stated at 45,34,636 rupees.‡

21. Three

					Total Estimated Cost.	Amount to be expended in 1856-57.
					Rs.	Rs.
* Road from Rajghaut to Cuttack	-	-	-	-	6,41,655	3,00,000
Road from Jeeagunge to Nulhattee	-	-	-	-	2,15,772	1,00,000
Gaol at Akyab -	-	-	-	-	1,56,948	50,000
Patna opium factory -	-	-	-	-	1,34,227	91,114
					Rs. 11,48,602	5,41,114

† See Government Letter, No. 67, dated 18 September last.

				Rs.
‡ Proposed expenditure in 1856-57, on works sanctioned by Government of India	-	-	-	2,93,838
” ” on works sanctioned by Court	-	-	-	5,41,114
” ” on works previously sanctioned	-	-	-	36,99,684
				Rs. 45,34,636

21. Three estimates entered in the budget for these provinces have received your sanction; one for a road from Nuldroog to Foljapore, amounting to 5,451 rupees; another for cleaning the fort at Nuldroog for the sum of 2,577 rupees; and a third, amounting to 1,363 rupees, for a new descent of the Foljapore Ghât. A scheme for the construction, at an estimated cost of 63,218 rupees, of a road across the Raichore Dooab from Hooljee to Hoobkeree, forms part of a larger design for a continuous road from Bellary to the sea, and, having been separately referred to us, has been sanctioned by us in a separate despatch. The amount entered in Statement No. 2, as proposed for expenditure on previously sanctioned works, is 40,970 rupees. The entire sum* therefore appropriated to public works in the assigned Hyderabad Provinces during the current season, may be stated at 1,13,579 rupees.

22. Statement No. 1 of the Budget for the North-Western Provinces comprises three projects regarding which you have called for further information, seven† which you have sanctioned, and two which are referred to us.

23. Of the latter, the first is one for a metalled road between Meerut and Kurnaul, estimated to cost 5,80,744 rupees. In your correspondence in this department, both with the subordinate Governments, and with ourselves, you have on more than one occasion alluded to the importance of specially regarding in all new plans for common roads, the course likely to be selected for railways in the same vicinity. This principle would seem however to have been overlooked in your recommendation of the road under consideration. The road, when completed, would, it is said, shorten the distance between Allyghur and Kurnaul by eight miles, and would proportionably facilitate the march of troops to and from the Punjaub. But besides that such advantage would be most extravagantly purchased at an expense of nearly six lacs, it seems clear that whatever might otherwise have been the utility of the road, it would be almost entirely deserted as soon as the East Indian Railway reached the latitude of Kurnaul. The railway would then become the line of communication with the Punjaub, and whether a high road between Meerut and Kurnaul were or were not in existence, a connecting link between Meerut and the nearest point on the railway would be indispensable. It was considerations of this kind which (as noticed in a preceding paragraph) caused you to reject a proposal for a road from Calcutta to Moorshedabad; and just as in that case it was deemed preferable to make a short line from Moorshedabad to the railway leading from Calcutta; so in this instance should a short road be preferred from Meerut to the railway, which it is presumed will pass near Kurnaul.

24. We

New Works :										Rs.
Road from Nuldroog to Foljapore	-	-	-	-	-	-	-	-	-	5,451
Cleaning fort at Nuldroog	-	-	-	-	-	-	-	-	-	2,577
New descent of the Foljapore Ghât	-	-	-	-	-	-	-	-	-	1,363
Road through the Raichore Doab	-	-	-	-	-	-	-	-	-	63,218
										72,609
Works previously sanctioned										40,970
										Rs. 1,13,579

										Total Estimated Cost.	Amount to be expended in 1856-57.
										Rs.	Rs.
† Agra Barracks	-	-	-	-	-	-	-	-	-	4,59,977	2,50,000
Roorkee Sapper Cantonment	-	-	-	-	-	-	-	-	-	1,38,078	20,000
(The estimates in both these cases are for works already far advanced, their construction having been authorised in anticipation.)											
Chief Engineer's office at Agra	-	-	-	-	-	-	-	-	-	33,048	33,048
Jakoor Canal	-	-	-	-	-	-	-	-	-	99,651	50,000
Muchwa Bridge	-	-	-	-	-	-	-	-	-	27,436	27,436
Saugor and Indore Road	-	-	-	-	-	-	-	-	-	71,279	41,656
											4,22,140
Exclusive of an advance in anticipation of estimates on account of the Cawn-pore Barracks											2,50,000
										Rs.	6,72,140

24. We must, therefore, decline to sanction this project. But surveys may at once be made for a road from Meerut to the most convenient point on the line of the future railway. That point would apparently be at or near Delhi, a road from which city to Meerut is a thoroughfare so greatly used at all times.

25. The remaining entry in the budget, upon which our decision is needed, viz., an estimate amounting to 1,39,322 rupees for metalling and bridging the portion of the Agra and Bombay road, between Agra and the Chumbul, is sanctioned:

26. The sum proposed for expenditure in 1856-57 on the work just mentioned was 1,00,000 rupees: the amount to be expended within the same period on the new works which you have sanctioned was 6,72,140 rupees; and the estimated outlay on works previously sanctioned was 3,33,523 rupees, exclusive of the cost of repairs which is not given, and exclusive also of a sum of 1,00,000 rupees allowed for contingencies. The total amount* applicable to public works in the North-West Provinces during 1856-57, may therefore be stated at 12,05,663 rupees.

Madras.

27. Of the projects entered in Statement No. 1 of the Madras Budget, your sanction has been given to thirty-one,† the estimates for which are each under one

	Rs.
* On works sanctioned by Court - - - - -	1,00,000
On works sanctioned by Supreme Government - - - - -	6,72,140
On works formerly sanctioned - - - - -	3,33,523
Contingencies - - - - -	1,00,000
	Rs. 12,05,663

	Total of Estimate.	Proposed Expenditure in 1856-57.
	Rs.	Rs.
† Calingaroyen Channel in Coimbatore - - - - -	64,898	40,000
Improvement of Coast Canal between Madras and Ameen Covil - - - - -	72,800	40,000
Widening Palicole Canal, and making a Lock at Nursapore -	57,280	57,280
Canal from the Tuddry River to Coomptah - - - - -	36,021	36,021
Raised Causeway and Bridges over the Punungardee Back- water - - - - -	33,023	33,023
Masonry Works on the Road between Covoar and the Moodee- gunda River - - - - -	84,580	50,000
Masonry Works in completion of Trunk Road No. 7 - - -	89,434	60,000
Bridge over the Vellaur, on Trunk Road No. 8 - - - - -	37,263	18,631
Additional metalling of Road between Oolundoorpet and Sa- meaverum - - - - -	37,313	37,313
Bridge over the Pennaur - - - - -	46,901	23,450
Bridge over the Guddelum - - - - -	25,869	12,934
Road from Vizagapatam to Palaprety - - - - -	45,750	30,000
Road between Masulipatam and Ibrahampatam - - - - -	43,250	30,000
Bridge over the Boogairoo - - - - -	38,558	20,000
Bridging the Bellary and Humpsagur Road - - - - -	59,250	39,500
Bridge over the Coom, near Dacumbode - - - - -	26,860	15,000
Road from Chingleput to Tetry - - - - -	41,130	10,000
Road from Trivatoor to the Palaur Annicut - - - - -	38,600	15,000
Bridge over the Palaur at the Annicut - - - - -	94,400	50,000
Bridge over the Vallaur on the Southern Coast Road - - -	35,020	17,510
Road from Trichinopoly to Salem Boundary - - - - -	50,000	30,000
Road from Trichinopoly to join Trunk Road No. 9 - - -	43,600	25,000
Bridge over the Vignry at Madura - - - - -	42,200	21,100
Pulkanooth and Nella Cottah Road - - - - -	25,560	25,560
Road from Palamecottah to Tuticorin - - - - -	67,361	44,000
Bridge over the Ambravaty - - - - -	63,830	28,000
Bridging the Guersappa Ghâc Road - - - - -	25,994	16,000
Buildings for Sappers and Miners at Dowlaiswarum - - -	47,028	47,028
New Hospital for European Barracks at Bellary - - - - -	82,330	50,000
Improvements to Custom-house at Mudras - - - - -	70,040	50,340
Civil Audit Office - - - - -	37,350	37,350
	15,63,493	10,10,040
Kistnah Annicut Channel from Vellahbapoorum to Tide Water	1,39,700	say 50,000
Reconstruction of Barracks at Bangalore - - - - -	1,55,600	50,000
	Rs. 18,58,793	11,10,040

one lac of rupees, and to one project involving an outlay of larger amount, but not considered to require a special reference to us, as being a necessary development of the Kistnah annicut works, long since sanctioned by us.

28. You have also, in anticipation of the approval now given, sanctioned a project for improving, and adopting for the reception of an European infantry regiment, the dragoon barracks at Bangalore. This you did in order to save the expense of extensive temporary repairs of the roof, which must have been made immediately, unless it had been determined to commence at once on the proposed reconstruction of the whole building.

29. Ten projects enumerated in the margin* still await our orders, and nine of them we readily sanction. The three works of irrigation promise, according to what appear sufficiently cautious calculations, to yield abundant interest on their cost; the four roads are designed to complete the important line connecting Madras with Calcutta; and bridges in situations apparently so well selected as those over the Pennaur and on the Chittoor and Cuddapah road, are, in many parts of the Madras territories, if possible, even more indispensable than roads themselves.

30. The present estimate for married soldiers' quarters at Bangalore is, however, disallowed. It provides for accommodation much beyond what is authorised in our Military Despatch, No. 187 of 5th November last, and a new estimate must be prepared, adopted to the limitations therein enjoined.

31. The total amount required for the thirty-three projects to which your sanction has been given is estimated at 18,58,793 rupees, of which we may assume that 11,10,040 rupees were to be expended in 1856-57. According to the same proportion, the year's expenditure on the nine works sanctioned by us would be about 4,25,000 rupees, the total amount required to complete them being 13,08,611 rupees. The sum entered in Statement No. 2 of the budget, as about to be expended during the year on works already sanctioned, is 37,07,214 rupees, exclusive of 18,54,470 rupees for repairs, and of 1,00,000 rupees for contingencies, so that the aggregate expenditure† in the Madras territories sanctioned for the current year may be stated as 71,96,724 rupees.

32. In

	Total Estimated Cost.
	Rs.
* 1. Annicut over the Tambrapoory - - - - -	3,85,000
2. Construction of Southern High Level Channel from the Kistna Annicut -	3,26,100
3. Poincy Annicut Channel - - - - -	1,53,283
4, 5, 6, 7. Works on Trunk Road, No. 6 (four estimates) - - - - -	2,09,120
8. Bridge over the Pennaur - - - - -	1,06,333
9. Masonry Works on the Chittoor and Cuddapah Road - - - - -	1,28,775
	13,08,611
10. Quarters for Married Soldiers at Bangalore - - - - -	90,820
	Rs.
† On work by Supreme Government - - - - -	11,10,040
On work by Supreme Court - - - - -	4,25,000
On work formerly sanctioned - - - - -	37,07,214
Repairs - - - - -	18,54,470
Contingencies - - - - -	1,00,000
	Rs. 71,96,724

Bombay.

32. In the Bombay Budget, Statement No. 1 comprises sixteen projects * which have been sanctioned by you, and seven upon which our orders are required.

33. Of these seven, three relate to roads designed to form parts of a continuous route from Bellary to the sea, and have been sanctioned by us in a separate despatch. The estimates for them amount to 1,95,042 rupees, of which the portion proposed for expenditure during the current year was 1,17,000 rupees.

34. Another is for a masonry bridge over the Quoina River at Kurar. The estimate amounting to 1,24,170 rupees, replaces a smaller estimate sanctioned by us in 1854, amounting to 88,799 rupees, towards which the Punt Prithee Nidhee had engaged to contribute 25,000 rupees. The difference between the estimates is occasioned by the adoption of a new and greatly improved design; and it now appears, that the whole cost of the bridge will devolve on the State, as the Punt Prithee Nidhee has withdrawn his offer. Nevertheless, you urge us very strongly to sanction the project, which we do with satisfaction, because the bridge will connect the future Kurar and Chiploon Road with the cotton districts lying in the direction of Kolapoor; and because a toll is to be levied, which may help to compensate for what is admitted to be the more than ordinary, though apparently unavoidable, costliness of the structure. We cannot let this opportunity pass without strongly impressing upon you the advantage of establishing cheap and easy communication between all the cotton districts, and the nearest or most convenient ports of shipment, or of communication with the projected railways.

35. We sanction the project for the construction, at a cost of 1,00,819 rupees, of a masonry bridge over the Bhogawa River on the Ahmedabad and Gogo road, observing that the work is pronounced to be "well considered" and "economically planned." To leave unbridged a river nearly a mile broad, having no regular banks, and periodically overflowing the neighbouring country, which becomes a muddy swamp when the water recedes, would be to render comparatively useless the very important route intersected by it. On this bridge, too, a toll is to be levied, which "it is not doubted, will more than repay the cost of construction."

36. The project for a road from Hyderabad to Kotree, at an estimated cost of 1,46,267 rupees, is also sanctioned. This work was included as an item in the system of roads for Sind, to which a general sanction was given by us in July 1854.

37. In your communication to the Bombay Government another project, that for a road from Surat to the Saughur River, is mentioned as being about to be referred to us, but it is not alluded to in your letter to ourselves.

38. Finally,

	Total of Estimate.	Proposed Expenditure in 1856-57
	Rs.	Rs.
* Road from Chiploon to Kurar - - - - -	6,52,916	2,50,000
(To which Court's conditional sanction was given by anticipation in 1853.)		
Road from Wace to Sheerwul - - - - -	45,231	45,231
Diversion of main drain of the Fort at Bombay - - -	42,948	42,948
Bridge over the Guar River, near Seroor - - - - -	51,451	20,000
Road from the Surampoor Ghât to the confluence of the Pruwarra and Gungu, near Toka - - - - -	50,157	30,000
Seven minor bridges on the Ahmedabad and Gogo Road -	26,794	26,794
Widening the mole in Kurrachee Harbour - - - - -	39,134	20,000
Bridge over the Foolalee - - - - -	35,885	28,000
Road from Kotree to Roree - - - - -	35,020	20,000
Regulating bridge over the head of the Narra New Supply Channel at Roree - - - - -	16,548	16,548
Completing arsenal at Hyderabad - - - - -	54,208	30,000
Battery at Aden - - - - -	17,110	17,110
Battery and guard-room at Aden - - - - -	37,530	37,530
Shed for Nasmyth's hammers in Bombay Dockyard - -	45,886	45,886
Amendment of road between Wassind and Khurdee - -	41,422	20,000
Amendment of road between Wassind and Colsettee - -	48,525	20,000
P.	12,40,561	670,047

38. Finally, a project for a new graving dock at Bombay was left unnoticed by you, because it had already been referred to us directly by the local government. You will have learned, however, from our reply to that government that we wish the subject to be re-submitted to you, in order that we may have the aid of your opinion in coming to a conclusion regarding it.

39. The estimates for the six works which we have sanctioned, amount, in the aggregate, to 5,66,298 rupees, of which 2,85,000 rupees were to be expended in 1855-56. The year's expenditure on the works enumerated above, as sanctioned by you, was to be 6,70,047 rupees, and the expenditure on works previously sanctioned, and on repairs, exclusive of 1,00,000 rupees for contingencies, is entered in Statement No. 2, as 32,96,195 rupees, so that the total expenditure * on public works in the Bombay territories, authorised for 1856-57, is 43,51,242 rupees.

40. In recapitulation, the subjoined statement shows the expenditure sanctioned for the current year on public works, so far as appears from the budgets under review :

	On Works in Statement No. 1, Sanctioned by Government of India.	On Works in Statement No. 1, Sanctioned by Court.	On Works in Statement No. 2, and on Repairs and Contingencies.	TOTAL.
	Rs.	Rs.	Rs.	Rs.
Bengal - - - -	2,93,838	5,41,114	36,99,684	45,34,636
North-West Provinces - -	6,72,140	1,00,000	4,33,523	12,05,663
Hydrabad Provinces - -	9,391	63,218	40,970	1,13,579
Madras - - - -	11,10,040	4,25,000	56,61,684	71,96,724
Bombay - - - -	6,70,047	2,85,000	33,96,195	43,51,242
Rs.	27,55,456	14,14,332	1,32,32,056	1,74,01,844

41. The sanctions which you have yourselves given in the several instances enumerated in the course of this despatch, were, we observe, declared to be subject to the orders prohibiting the commencement of new works pending the result of your recent reference to us, regarding the state of the public finances. You are now in possession of our reply to that reference, and in pursuance of the views therein expressed, we attach to our present sanction of new works the following proviso.

42. That the whole year's expenditure on public works throughout India must not exceed the amount applicable to such expenditure, which the ordinary revenue of the year will meet, to any greater extent than the crore of rupees which you are authorised to procure on loan, for special appropriation to public works.

43. While engaged upon the budgets here received, we could not fail to remark the defective arrangement of most of them ; and had intended to suggest some improvements ; but in your merited praise of the Madras budget, and in your recommendation of it as a model for general imitation, you have summed up and forestalled all we should have thought it necessary to say.

44. We

* On works sanctioned by Court - - - -	Rs.
On works by Supreme Government - - - -	2,85,000
On works formerly sanctioned, and on repairs - - - -	6,70,047
Contingencies - - - -	32,96,195
	1,00,000
Rs.	43,51,242

44. We may here express our approval of your recent modification of the budget rules, as reported in your letters, Nos. 46 and 67, dated 8th August and 18th September last.

London, 17 April 1857.

We are, &c.
(signed) *R. D. Manglas,*
F. Currie,
 &c. &c.

Public Works Department, 17 April (No. 9) 1857.

Our Governor-General of India in Council.

Budgets for 1856-57 of the Punjab, the Straits Settlements, the Tenasserim and Martaban Provinces, and Pegu.

1. SINCE completing in our despatch No. 8, dated this day, our review of the budgets for 1856-57, of Bengal, the North-Western Provinces, the assigned provinces of Hyderabad, Madras, and Bombay, we have received with your letters, Nos 62 and 63 of the 13th September, No. 65 of the 16th September, and No. 89 of the 3d December, the budget for the Punjab, the Straits Settlements, the Tenasserim and Martaban Provinces, and Pegu.

2. The contents of these documents will form the subject of the present supplementary despatch, which we must commence by repeating the expression of our dissatisfaction on account of the extremely late period at which the budget reaches us. There is the more reason for calling your attention to this point, because most of the delay takes place at Calcutta. For example, the Punjab budget was completed and laid before the Chief Commissioner on the 29th December 1855, or within a fortnight of the appointed day. It was sent to you from Lahore, with a letter dated 26th January following; but the letter in reply, containing your orders upon it, is not dated until 4th July; and two months more intervened, previously to the date of the letter communicating those orders to us. It is true that no items in the Punjab budget of such amount as to require our previous authority have been recommended to us by you for sanction; but similar, and equally avoidable, though somewhat less protracted delay was suffered to retard the transmission to us of your recommendations regarding the Madras and Bombay budgets.

3. We proceed to notice the budgets now brought before us in the order in which they have been received.

Punjab.

4. With respect to that of the Punjab we have nothing to add to your comments on its irregularities in form, or on the more serious irregularities thereby implied in the executive operations of the department. The submission of projects without plans or estimates still continued, and so did the prosecution of works to which only "general sanction" had been given; but you, very properly, have positively forbidden for the future the commencement of any works until plans and estimates for them shall have been duly submitted and approved. You have also prohibited the suspension of any works in progress, with a view to the commencement of others thought to be of more importance; and, above all, you have insisted that annual expenditure on public works shall not exceed the prescribed limit of 60 lacs. A rigid adherence to these rules will go far towards preventing the lavish outlay which, in the Punjab, was but too much encouraged by the previous absence of all systematic check.

5. The aggregate eventual expenditure sanctioned by you on account of new projects is 12,45,050 rupees, of which the portion to be expended within the current year is 7,32,643* rupees. The estimated cost of most of these projects is separately

										Total of Estimates.	Expenditure sanctioned during the Year.
										Rs.	Rs.
* Civil Works	-	-	-	-	-	-	-	-	-	1,70,620	1,70,620
Military works	-	-	-	-	-	-	-	-	-	10,74,430	5,62,023
Rs.										12,45,050	7,32,643

separately inconsiderable; but, in ten instances specified in the margin,* it exceeds what any subordinate government is competent to sanction. In one of these exceptional cases, that of new barracks at Ferozepore, our previous approval was requisite, and had been conveyed to you in para. 43 of our military despatch, No. 46, of 27th April 1854. The other projects were within your competence, and we have no particular remark to make upon them, except with regard to their unusual costliness which, in many cases, seems greater than can be accounted for by locally high prices of labour and materials. This is, indeed, most glaringly exhibited in an item which has been disallowed for the present, viz. "the permanent privies" proposed for European troops at Sealkote, at an expense of 71,191 rupees. These you have ordered to be deferred, "the present temporary arrangements being continued;" but there is similar disproportion between means and end in several of the items which have been suffered to pass, and which appear to furnish additional proofs of the defective supervision so often noticed in the Public Works department in the Punjab. In your Secretary's letter to the Chief Commissioner regarding the budget, it was stated that you were in doubt, from what you had seen, whether one chief engineer can manage properly an expenditure of even 60 lacs. We do not participate in the doubt; and it is to be remarked that one such functionary suffices, in the Madras Presidency, to conduct a still larger annual outlay with method and economy.

6. Exclusively of the expenditure on new works, you have authorised on works already in progress an expenditure during the year of 46,94,241† rupees, so that the total sanctioned for the current season is 59,39,291‡ rupees, subject to the proviso that this sum must be diminished, if, with the addition of the demand for establishment and contingencies, it should exceed 60 lacs.

7. In statement No. 1, of the Budget of the Straits Settlements, are three projects to which you have given a prospective sanction, providing in each case for some modification of the original plan. The first is for a new Government house at Singapore, estimated to cost 1,20,000 rupees, reducible to 45,000 rupees by the employment of convict labour. The present residence of the Governor, built in 1820 of wood, and thatched with leaves, is represented as being scarcely safe, and a new one is, no doubt, required; but the plan and estimate should have been submitted for our previous sanction. The expected cost is not the less beyond the limit within which our authority may be dispensed with,

Straits Settlements.

	Total Estimate.	Amount to be expended within the Year.
	Rs.	Rs.
Third coat of metal on the Beas and Lahore road - - -	88,568	88,568
Umballa Church - - - - -	45,060	45,060
Cook-rooms for single men's barracks, at Rawul Pindee - -	28,090	28,090
Set of new barracks at Ferozepore for European infantry regiments	6,73,292	2,00,000
Congoe House, at Ferozepore - - - - -	26,777	26,777
Barracks for 80 men at the Convalescent Dépôt, Murree - -	50,000	50,000
Hospital at the same place - - - - -	41,280	41,280
3,500 soldiers' boxes - - - - -	55,000	40,000
2,000 soldiers' cots - - - - -	50,000	30,000
Wall round Peshawur Cantonment - - - - -	45,921	45,921
Rs.	11,03,988	5,95,696

	Rs.
† On civil works - - - - -	24,70,556
On military works - - - - -	22,23,685
Rs.	46,94,241

	Rs.
‡ On new works - - - - -	12,45,050
On works previously sanctioned - - - - -	46,94,241
Rs.	59,39,291

8. The other new schemes are for an arsenal, and for Commissariat godowns at Singapore, estimated at 31,347 rupees and 29,130 rupees respectively. These buildings are shown to be urgently required, but the choice of sites for them has necessarily been postponed, pending a decision on a question under discussion in the Military department as to the construction of a fort, within which, or within reach of whose guns it might be desirable to place all the military buildings at Singapore.

**Tenasserim and
Martaban
Provinces.**

11. The expenditure authorised for the year on new works is 7,600 rupees; and on works previously sanctioned, and repairs, 1,59,025 rupees. The total of the year's expenditure on public works, in the Tenasserim and Martaban provinces, may therefore be reckoned at 1,66,625 rupees.

12. The

							Rs.
† On works newly sanctioned	-	-	-	-	-	-	40,000
On works previously sanctioned	-	-	-	-	-	-	87,917
						<i>Rs.</i>	1,27,917

	<i>Rs.</i>
‡ New wharf at Moulinein - - - - -	2,500
Reconstructing wharf at ditto - - - - -	1,500
Tayat at Taoly - - - - -	60
Ditto at Mergui - - - - -	1,000
Travellers' house at Rangoon - - - - -	800
Bridge over Kayung Nallab - - - - -	1,200
<i>Total</i>	<i>7,600</i>

12. The extraordinary delay in submitting the budget for Pegu was occasioned by the neglect, on the part of most of the executive officers, of the repeated calls made on them by the Commissioner; and you have felt yourselves under the necessity of declaring your determination "to punish all executive officers in the province who were culpably in arrears with their office work, by placing them upon half-staff allowance until the arrears, whether of accounts or plans, and estimates, are cleared off." The statements which were at last laid before you were, as you pointed out, extremely defective and informal.

13. Of the new projects entered in this budget, the only ones which appear, from the confused and imperfect documents before us, to have received your sanction are the four noted in the margin* (the proposed buildings for the station of Dalhousie being reserved for a special communication). In your letter, however, you state that you have sanctioned Rs.1,61,619. 3. 6. for expenditure during the year, on account of works included in Statement No. 1, (the difference being, we presume, made up by the various military works which you had sanctioned at intermediate periods); and that the total estimated expenditure during the year, which has received your sanction, inclusive of repairs, is 8,68,871 rupees, of which 4,04,431 rupees are for the Tongoop and Prome roads. The imperfection of the statements prevents us from distinguishing with sufficient accuracy new works from those already sanctioned.

14. Our despatch, No. 8, dated this day, showed the expenditure on public works sanctioned for the current year in Bengal, the North-Western Provinces, the assigned provinces of Hyderabad, Madras, and Bombay, to be 1,74,01,824 rupees; viz.:

	On New Works.	On Works previously sanctioned.	TOTAL.
	Rs.	Rs.	Rs.
To which may be added—	41,69,768	1,32,32,056	1,74,01,824
For the Punjab - - - - -	12,45,050	46,94,241	59,39,291
„ Straits Settlements - - - - -	40,000	87,917	1,27,917
„ Tenasserim and Martaban Provinces -	7,600	1,59,025	16,66,625
„ Pegu - - - - -	- - -	- - -	8,68,871
Rs.	54,62,418	18,17,239	2,45,04,528

15. We are still without the budgets for Oude and Nagpore, and are therefore still unable to compute the year's expenditure for the whole of India, or to take that comprehensive view without which we cannot satisfy ourselves that the most judicious distribution has been made of the amount.

London, 17 April 1857.

We are, &c.
(signed) R. D. Mangles,
F. Currie,
&c. &c.

* Masonry cook-houses for the Native Infantry Regiment at Heuzada -	Rs. 13,418
Cantonment roads at Rangoon (apparently) - - - - -	1,14,440
(Of which 25,000 rupees to be expended within the current year.)	
Masonry privies for artillery at ditto - - - - -	1,669
Temporary gun-shed at Rangoon - - - - -	3,587
Rs.	1,33,114

East India House, }
2 June 1857. }

(True copies.)
J. S. Mill,
Examiner of India Correspondence.

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EAST INDIA.

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CORRESPONDENCE relating to the Revision of Assessment in *South Arcot*; Meriah Agency in *Ganjam* and *Orissa*; Moturpha, &c., Taxes at *Madras*; Administration of the *Hyderabad* Assigned Districts; and the Public Works Department.

(*Mr. Seymour.*)

Ordered, by The House of Commons, to be Printed,
8 June 1857.

[*Price 6d.*]

83—Sess. 2.

. *Under 802.*

E A S T I N D I A.

RETURN to an Order of the Honourable The House of Commons,
dated 30 May 1856 ;—*for*,

COPY “ of a MINUTE by the Marquis of *Dalhousie*, dated the 28th day of
February 1856, reviewing his Administration in *India*, from January 1848
to March 1856.”

India Board, }
30 May 1856. }

HENRY DANBY SEYMOUR.

(*Mr. Danby Seymour.*)

Ordered, by The House of Commons, to be Printed,
30 May 1856.

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MINUTE BY THE

MINUTE by the Most Noble the GOVERNOR-GENERAL of INDIA, dated
28 February 1856.

REVIEW OF THE PERIOD FROM JANUARY 1848 TO MARCH 1856.

Design of the
Minute.

1. THE time has nearly come when my administration of the government of India, prolonged through more than eight years, will reach its final close. It would seem that some few hours may be profitably devoted to a short review of those eventful years, not for the purpose of justifying disputed measures, or of setting forth a retrospective defence of the policy which may, on every several occasion, have been adopted, but for the purpose of recalling the political events that have occurred, the measures that have been taken, and the progress that has been made, during the course of the administration which is about to close. I enter on that review with the single hope that the Honourable Court of Directors may derive from the retrospect some degree of satisfaction with the past, and a still larger measure of encouragement for the future.

Second Sikh
War.

2. When I sailed from England in the winter of 1847, to assume the government of India, there prevailed universal conviction among public men at home that permanent peace had at length been secured in the East. Before the summer came, we were already involved in the second Sikh war.

That we were so, was due to no precipitation or fault of ours. The murder of the British officers at Mooltan, and the open rebellion of the Dewan Moolraj, were not made pretext for quarrel with the Government of Lahore. On the contrary, the offence of the Dewan Moolraj was sedulously distinguished from national wrong. The Sikhs themselves were called upon to punish Moolraj as a rebel against their own sovereign, and to exact reparation for the British Government, whose protection they had previously invoked.

But when it was seen that the spirit of the whole Sikh people was inflamed by the bitterest animosity against us; when chief after chief deserted our cause, until nearly their whole army, led by sirdars who had signed the treaties, and by members of the Council of Regency itself, was openly arrayed against us; when, above all, it was seen that the Sikhs, in their eagerness for our destruction, had even combined in unnatural alliance with Dost Mahomed Khan and his Mahomedan tribes; it became manifest that there was no alternative left. The question for us was no longer one of policy or of expediency, but one of national safety.

Accordingly, the Government put forth its power. After a prolonged campaign, and a struggle severe and anxious, the Sikhs were utterly defeated and subdued; the Afghans were driven with ignominy through the mountains, and the Punjab became a British province.

Second Burmese
War.

3. When little more than two years had passed, the Government of India again was suddenly engaged in hostilities with Burmah.

Certain British traders in the port of Rangoon had been subjected to gross outrage by the officers of the King of Ava, in direct violation of the treaty of Yandaboo.

Holding to the wisdom of Lord Wellesley's maxim, that an insult offered to the British flag at the mouth of the Ganges should be resented as promptly and as fully as an insult offered at the mouth of the Thames, I should, under any circumstances, have regarded it as sound policy to exact reparation for wrong done to British subjects from any native state. But our relations with the Burmese Court, and the policy it had long pursued towards us, imposed upon the Government of India, at the time to which I refer, the absolute necessity of exacting from it reparation for the systematic violation of treaty, of which British traders had now made formal complaint.

Of all the Eastern nations with which the Government of India has had to do, the Burmese were the most arrogant and overbearing.

During

During the years since the treaty with them had been concluded, they had treated it with disregard, and had been allowed to disregard it with impunity. They had been permitted to worry away our envoys by petty annoyances from their court; and their insolence had even been tolerated, when at last they vexed our Commercial Agent at Rangoon into silent departure from their port. Inflated by such indirect concessions as these, the Burmans had assumed again the tone they used before the war of 1825. On more than one occasion they had threatened recommencement of hostilities against us, and always at the most untoward time.

However contemptible the Burman race may seem to critics in Europe, they have ever been regarded in the East as formidable in the extreme. Only five and twenty years before, the news of their march towards Chittagong had raised a panic in the bazars of Calcutta itself; and even in the late war a rumour of their supposed approach spread consternation in the British districts of Assam and Arracan.

If deliberate and gross wrong should be tamely borne from such a people as this, without vindication of our rights or exaction of reparation for the wrong,—whether the motive of our inaction were desire of peace or contempt for the Burman power,—it was felt that the policy would be full of danger. For, the Government of India could never, consistently with its own safety, permit itself to stand for a single day in an attitude of inferiority towards a native power, and least of all towards the Court of Ava.

Every effort was made to obtain reparation by friendly means. The reparation required was no more than compensation for the actual loss incurred. But every effort was vain. Our demands were evaded; our officers were insulted. The warnings which we gave were treated with disregard; and the period of grace which we allowed was employed by the Burmese in strengthening their fortifications, and in making every preparation for resistance.

Thereupon the Government of India despatched a powerful expedition to Pegu: and within a few weeks the whole of the coast of Burmah, with all its defences, was in our possession.

Even then the Government of India abstained from further operations for several months, in the hope that, profiting by experience, the King of Ava would yet accede to our just demands.

But our forbearance was fruitless. Accordingly, in the end of 1852, the British troops took possession of the kingdom of Pegu, and the territory was retained, in order that the Government of India might hold from the Burman state, both adequate compensation for past injury and the best security against future danger.

4. Since hostilities with Burmah ceased, the Indian empire has been at peace. Foreign relations of India.

No prudent man, who has any knowledge of Eastern affairs, would ever venture to predict the maintenance of continued peace within our Eastern possessions. Experience, frequent hard and recent experience, has taught us, that war from without, or rebellion from within, may at any time be raised against us, in quarters where they were the least to be expected, and by the most feeble and unlikely instruments. No man, therefore, can ever prudently hold forth assurance of continued peace in India.

But, having regard to the relation in which the Government of India stands towards each of the several foreign powers around it, I think it may be safely said that there seems to be no quarter from which formidable war can reasonably be apprehended at present.

5. Although the mission, which lately proceeded to the Court of Ava, with the primary object of reciprocating the friendly feeling which the King of Ava had previously shown by voluntarily despatching an embassy to the Governor-general of India, has brought back with it no treaty of alliance or of commerce, I nevertheless regard the continuance of peace between the states as being not less secure than the most formal instrument could have made it. When the Honourable Court recalls to mind that, from the very first, in 1852, I deprecated the reconstruction of any treaty relations with the Court of Ava at all, it will not be surprised to find me add, that I still consider peace with Ava as even more likely to be maintained in the absence of all commercial or friendly treaties, than if those conventions had been renewed as before. Burmah.

It is admitted, on all sides, that the desire of the King of Ava for lasting peace is genuine and sincere. It is admitted that his will is supreme, and his authority without dispute, among his chiefs and people. A sense of inferiority has penetrated at last to the convictions of the nation. The Burman Court and the Burman people alike have shown that they now dread our power; and, in that dread, is the only real security we can ever have, or ever could have had, for stable peace with the Burman state.

Nipal.

6. For nearly 40 years, Nipal has faithfully observed the peace she bought so dearly. Her minister, sagacious and able, has himself been witness of the vast resources of our power, during his recent visit to Europe. He has been for some time engaged in a war with Thibet, which has been productive of heavy charge, while it has brought neither power nor profit to Nipal, and must have given umbrage to China, whose tributary she is. From Nipal, therefore, there is even less probability of hostility now, than in any one of the 40 years, during which she has in good faith observed the peace which she solemnly bound herself to maintain, and which her obvious interests recommend.

Maharajah Golab Sing.

7. Maharajah Golab Sing, of Jummo and Cashmere, so long as he lives, will never depart from the submissive policy he announced, with unmistakeable sincerity in his air, when in Durbar at Wuzerabad he caught my dress in his hands, and cried aloud, "Thus I grasp the skirts of the British Government, and I will never let go my hold."

And when, as must soon be, the Maharajah shall pass away, his son, Meean Rumber Sing, will have enough to do to maintain his ground against rivals of his own blood, without giving any cause of offence to a powerful neighbour, which he well knows can crush him at his will.

Kelat.

8. On the western border, a treaty has been made with the Khan of Kelat; whereby he becomes the friend of our friends, and the enemy of our enemies; and engages to give us temporary possession of such positions within his territory as we may at any time require for purposes of defence.

Cabool.

9. Lastly, a treaty was concluded during the past year with the Ameer Dost Mahomed Khan of Cabool. It bound him to be the friend of our friends and the enemy of our enemies, while it imposed no corresponding obligation upon us, from which inconvenience or embarrassment could arise. The Ameer himself sought our friendship, and he has already shown that he regards it as a tower of strength.

Thus the enmity which existed through many years, and which was aggravated by the Afghan policy of 1849, has happily been removed, without any sacrifice upon our part, and to our manifest advantage. An alliance has been timely formed with the leading Afghan state, upon the solid basis of common interest against a common enemy. Already, the consequences of the treaty have developed themselves in the conquest of Candahar by the Ameer Dost Mahomed Khan; an event which has largely increased the Ameer's power; while it has brought to pass, for us, that every portion of our western frontier, from the Himalayas even to the sea, is now covered against hostile attack by the barrier of a treaty with a friendly power.

I venture to think that the Court of Directors will see in this brief summary ample reason to be content with the condition in which I leave the relations of the Honourable East India Company with every foreign state around its borders.

Internal condition of India.

10. As regards the internal tranquillity of the empire, I have already observed that no man can presume to warrant its continuance, with certainty, for a day. In territories and among a population so vast, occasional disturbance must needs prevail. Raids and forays are, and will still be, reported from the western frontier. From time to time marauding expeditions will descend into the plains, and again expeditions to punish the marauders will penetrate the hills. Nor can it be expected but that, among races so various and multitudes so innumerable, local outbreaks will from time to time occur, as little looked for as that of the Sonthal tribe in the Damun-i-koh.

But the rising of the Sonthal tribe has been repressed; and measures of precaution have been taken, such as may be expected to prevent all risk of its recurrence.

With

With respect to the frontier raids, they are and must for the present be viewed as events inseparable from the state of society which for centuries past has existed among the mountain tribes. They are no more to be regarded as interruptions of the general peace in India, than the street brawls which appear among the every-day proceedings of a police court in London, are regarded as indications of the existence of civil war in England.

11. I trust, therefore, that I am guilty of no presumption in saying, that I shall leave the Indian empire in peace, without and within.

12. During the eight years over which we now look back, the British territories in the East have been largely increased. Within that time four kingdoms have passed under the sceptre of the Queen of England; and various chiefships and separate tracts have been brought under her sway. Acquisition of territory.

13. The kingdom of the Punjab and the kingdom of Pegu were the fruits of conquest, which followed upon the wars whose origin and issue have been already stated. Punjab and Pegu.

14. The kingdom of Nagpore became British territory by simple lapse, in the absence of all legal heirs. The kingdom, which had been granted to the reigning Rajah by the British Government when it had become forfeited by the treachery of Appa Sahib, was left without a claimant when the Rajah died. No son had been born to his highness; none had been adopted by him; none, as they have themselves admitted, was adopted at the Rajah's death by the Ranees his widows. There remained no one male of the line, who descended from the stock and bore the name of Bhonslah. Nagpore.

The British Government, therefore, refused to bestow the territory in free gift upon a stranger, and wisely incorporated it with its own dominions.

15. Lastly, the kingdom of Oude has been assumed in perpetual government for the Honourable East India Company; in pursuance of a policy which has so recently been under the consideration of the Honourable Court, that I deem it unnecessary to refer to it more particularly here. Oude.

16. The principality of Sattara was included in the British territories in 1849, by right of lapse, the Rajah having died without male heir. Sattara.

17. In like manner the chiefship of Jhansie has reverted to the possession of the Indian Government. Jhansie.

18. Lastly, by a treaty concluded in 1853, his Highness the Nizam has assigned in perpetual government to the Honourable East India Company the province of Berar and other districts of his state; for the permanent maintenance of the Hyderabad Contingent, for the payment of certain debts which he had incurred, and for the termination of those transactions which for many years had been the fruitful source of dispute, and had even endangered the continuance of friendly relations between the states. Assigned districts of Hyderabad.

19. By the several territorial acquisitions which have just been enumerated, a revenue of not less than (4,000,000*l.*) four millions sterling has been added to the annual income of the Indian empire.* Revenue from territorial acquisitions.

20. Stated in general terms, the revenue of India has increased from 26,000,000*l.*, in 1847-48, to 30,000,000*l.* in 1854-55; and the income of the present year, exclusive of Oude, has been estimated at the same amount of 30,000,000*l.* sterling. General revenue of India.

Without

* Punjab	-	-	-	-	-	-	£.1,500,000
Pegu (1856)	-	-	-	-	-	-	270,000
Nagpore (less tribute)	-	-	-	-	-	-	410,000
Oude	-	-	-	-	-	-	1,450,000
Sattara	-	-	-	-	-	-	150,000
Jhansie	-	-	-	-	-	-	50,000
Hyderabad	-	-	-	-	-	-	500,000
							<u>£.4,330,000</u>

(From Returns and from Parliamentary Papers.)

Without entering into any close detail, it may be stated that the main sources of revenue are not less productive than before; while the revenue derived from opium has increased from 2,730,000*l.* in 1847-48, to 4,700,000*l.* in 1854-55, and is estimated at upwards of 5,000,000*l.* for the present year.

Trade of India.

21. The increase which has gradually and rapidly taken place in the external trade of India may be fairly estimated by the shipping returns of its principal port, Calcutta.

In 1847-48 there arrived in the Hooghly 625 vessels (exclusive of native craft), amounting to 274,000 tons. In 1854-55 the number of vessels had increased to 866, and the tonnage to 481,000 tons; while in the first ten months of the present year there have already arrived 1,010 vessels of 556,000 tons. Thus in these eight years the tonnage which sought the port of Calcutta has more than doubled in amount.

Conversion of the Five per Cent. Debt.

22. The facts which have been briefly stated above would seem to promise well for the financial prosperity of the country.

A measure which was carried into effect in 1853-54 was calculated to contribute further to that end. During those years the five per cent. debt of India was entirely extinguished. Excepting the payment of a comparatively small sum in cash, the whole of the five per cent. debt was either converted into a four per cent. debt, or replaced in the open four per cent. loan. The saving of interest which was effected by this operation amounted to upwards of 300,000*l.* per annum.

At a later period, by a combination of many unfavourable circumstances, which could not have been anticipated, and which were not foreseen in England any more than by us in India, the Government has again been obliged to borrow at the high rate of five per cent. But the operation of 1853-54 was not the less politic or less successful in itself, while the financial relief it afforded was timely and effectual.

Surplus and deficiency of general revenue.

23. During the years 1847-48 and 1848-49 the annual deficiency which had long existed still continued to appear in the accounts. But in each of the four following years the deficiency was converted into a surplus, varying from 360,000*l.* to nearly 580,000*l.*

During the years 1853-54 and 1854-55 there has again been a heavy deficiency, and the deficiency of the present year is estimated at not less than 1,850,000*l.*

But these apparent deficiencies are caused by the enormous expenditure which the Government is now annually making upon public works, designed for the general improvement of the several provinces of the Indian empire.

Wherefore, a large annual deficiency must and will continue to appear, unless the Government shall unhappily change its present policy, and abandon the duty which I humbly conceive it owes to the territories intrusted to its charge. The ordinary revenues of the Indian empire are amply sufficient, and more than sufficient, to meet all its ordinary charges; but they are not sufficient to provide for the innumerable and gigantic works which are necessary to its due improvement. It is impracticable to effect, and absurd to attempt, the material improvement of a great empire by an expenditure which shall not exceed the limits of its ordinary annual income.

Administrative progress.

24. It is impossible, within the narrow bounds of a single minute, to describe all the various changes that have been made, and the improvements that have been introduced, in the system of Indian administration and its several subordinate departments during the long period which is now being passed under review. A few leading facts can alone be recalled and marshalled in their order.

Punjab.

25. The several new provinces, whose government we have assumed, have been administered in tranquillity and with success.

The remarkable results which have attended the labours of the able and eminent men, to whom was committed the charge of the province of the Punjab, are now familiar to Parliament and to the country. I feel it to be unnecessary to add even a single word to the Punjab reports already submitted to the Honourable Court, which explain how "internal peace has been guarded, how the various establishments of the state have been organised, how violent crime been repressed, the penal law executed, and prison discipline enforced, how civil justice has been administered, how the taxation has been fixed and the revenues collected, how commerce

commerce has been set free, agriculture fostered, and the national resources developed, how plans for future improvement have been projected, and, lastly, how the finances have been managed."*

26. In the province of Pegu the results of our administration have been satisfactory in a high degree, though they have neither the brilliancy nor the interest which attaches to the labours of the local officers in the Punjab. Pegu.

But in Pegu also we have the satisfaction of knowing that, in spite of the peculiar discouragements and heavy difficulties with which our officers have had to contend, complete tranquillity has long since been established. The people, lightly taxed and well to do, are highly contented with our rule. Order and quiet prevail throughout the districts. Even in Tharrawaddy, which, under the Burman rule, was the permanent refuge of rebellion and crime, all outrage has ceased. The rivers, the great highways of the country, watched by an effective police, are traversed in safety by all. Trade is rapidly increasing. A new port has been founded for the new European trade which has at once sprung up; and, light as taxation is, the revenue has already exceeded the amount at which I estimated its probable measure; for it is expected that 27 lakhs will be collected this year.

Population alone is wanting. When that deficiency shall have been supplied, the province of Pegu will equal Bengal in fertility of production, and will surpass it in every other respect.

27. The anticipations of those who believed that the renewal of British authority in Nagpore would be hailed with lively satisfaction by the whole population of the province have been more than fulfilled by the event. Nagpore.

The Raj was transferred by a simple order to the possession of the British Crown. Not one additional soldier was moved into the province. Our civil administration has been introduced into every district. Such portion of the army as was required has been embodied and disciplined in our pay; while the rest have been pensioned, or discharged with a handsome gratuity. Perfect contentment and quiet prevail. Beyond the palace walls not a murmur has been heard; and in no single instance throughout the districts has the public peace been disturbed.

28. Equally happy results have attended the assignment which the Nizam was persuaded to make of the districts belonging to the state of Hyderabad. Hyderabad.

In the possession of Berar and the neighbouring districts of Nagpore, the British Government, it deserves to be remembered, has secured the finest cotton tracts which are known to exist in all the continent of India; and thus has opened up a great additional channel of supply, through which to make good a felt deficiency in the staple of one great branch of its manufacturing industry.

Since the assignment was made, all disputes with the Nizam have ceased.

Though the districts assigned were covered with places of defence, the famous fortress of Gawilghur among the rest, and although they were garrisoned by Arabs or Rohillas, yet all were delivered over submissively and at once, and not a single shot was fired in anger.

There also the civil administration has been introduced. Crime—especially the violent crime of dacoity—has already much diminished. The revenue is already rapidly increasing. The public tranquillity has not been disturbed by even a single popular tumult; and the admirable little army, which was formerly the Nizam's Contingent, but which is now a British force, is available for any service for which it may be required.

29. The assumption of the government of Oude is an event too recent to admit of any record being given of the progress that has been made towards the organization of its future administration. The government of the province was assumed on the 7th of this month. Up to the present time no resistance has been attempted, no disturbance of the public peace has occurred. The troops of the king are contentedly taking service in our pay; and thus far at least no zemindar or chief has refused submission to our authority. Oude.

A complete civil administration had been prepared, and the military force which it was intended to retain had been fully organised, before negotiations were opened with the King. Officers had been named to every appointment. The best

* First Punjab Report, p. 452.

best men that could be found available were selected from the civil and military services for the new offices in Oude, and the Government has every reason to anticipate that they will achieve an equal degree of success, as those to whom similar tasks have previously been committed.

Changes made by statute.

30. It is not, however, in the new provinces alone that great changes have been brought to pass. When the Statute of 1833 expired, material and important changes were made by the hand of Parliament upon the frame of the administration itself. Of these, two principal measures are worthy of note.

Government of Bengal.

31. Until that time the local government of Bengal had been placed in the hands of the Governor-general of India. But in the year 1853 the system, by which the officer charged with the responsibility of controlling the government of all India was further burdened with local duties of vast extent and importance, was happily abandoned. The Governor-general was finally liberated from the obligation of performing an impossible task, and a Lieutenant-Governor was appointed to the charge of Bengal alone.

The importance of this measure cannot be overrated.

Legislative Council of India.

32. At the same time another great change was introduced, equally novel in its character, and not less important.

A Council was appointed as the Legislature of India, which was no longer identical with the Supreme Council, but included divers other members, and exercised its functions by separate and distinct proceedings of its own.

The organization of the Legislative Council proved to be a work which involved great labour, and was attended with many difficulties. The proceedings of the Council, however, were speedily reduced to form. The duties of legislation have subsequently been laboriously and faithfully performed. The public has long since had access to its deliberations. Its debates and papers are printed and published; and I trust, and believe, that Parliament and the public will each year see reason to be more and more content with the manner in which the Legislative Council of India will fulfil the purposes for which it was established.

Minor political events.

33. Before proceeding to enumerate the measures that have been framed and carried into effect in connexion with the internal administration of the country, I am desirous of referring to some political incidents, which are not unworthy of note, although they did not seem to be of sufficient importance to find a place in the paragraphs allotted to the foreign relations of the Honourable Company.

Ungool.

34. Early in 1848, the Rajah of Ungool, a petty chieftain in the Jungle Mehals, resisted the authority of the Government. His raj was taken from him, and he has since died in exile.

Sikkim.

35. The Rajah of Sikkim, a hill chieftain on the borders of Nipal, in order to enforce certain claims which he alleged against the Government of India, had the audacity to seize the person of the political officer at Darjeeling, when travelling under the Rajah's safeguard within his dominions. Military preparations were made. The Agent was released; and all the territories which the Rajah possessed within the plains were confiscated, and have been retained.

Khyrpore.

36. In Scinde, Meer Ali Morad of Khyrpore was accused of having forged a clause in a treaty, whereby he had wrongfully obtained possession of lands which of right belonged to the British Government. A full and fair investigation was made. The Ameer had every opportunity afforded to him of defending himself; but his guilt was proved beyond a doubt. The lands were taken from him, and his power and influence were reduced to insignificance.

Bhawulpore.

37. Upon the death of the Nawab of Bhawulpore, who had faithfully supported us in the contest with Moolraj, and to whom a pension of a lakh of rupees was granted as a reward, his second son was acknowledged as his successor, in accordance with the Nawab's request. Before very long, rebellion was raised against the new Nawab, and appeal was made to the British Government.

Nothing would have been easier for that Government than to have made terms by which direct and prospective advantage would have been gained for itself. The Government, however, refrained from all endeavour to aggrandise itself. It left to the Daoodpootras themselves to determine who should be their ruler, and when they had decided in favour of the eldest brother, the natural heir, the Government

Government at once recognised him as Nawab, stipulating only for the safety of the deposed ruler, and accepting the custody of his person.

38. In like manner, when Jung Bahadoor had begged from the Nipalese Durbar the lives of his own brother and of the brother of the Rajah of Nipal, who had conspired for the assassination of the minister, and when he had obtained their lives only on condition that the British Government would undertake for their safe custody, the Government, acting in the interest of humanity, accepted the trust, though it was a dubious and responsible one. Nipalese sirdars.

39. When, not long since, Rajah Jowahir Sing was engaged in open resistance to his uncle, Maharajah Golab Sing, the Government of India maintained a rigid neutrality. Jummoo.

Nothing would have been more easy than that the Government of India, while acting strictly within the obligations of treaty, should have so framed its policy on this occasion as to place itself in a favourable position for drawing its own advantages from the contest which one day or other will probably arise between the members of the Jummoo family; and for perhaps recovering the fertile and unhappy province of Cashmere, which, in 1846, we unwittingly handed over to a chief who has proved himself a veritable tyrant, and who already appears to be the founder of a race of tyrants. But the Government of India was loyal both to the spirit and to the letter of its obligations, and stood wholly aloof from both contending parties.

40. Very lately the Nawab of Mumdote, who derived his independent powers from our gift, was accused of the grossest tyranny, and of many personal atrocities. Full investigation was made; and the Nawab has been removed from power, and his territory will be administered in trust for his family. Mumdote.

41. Seven years ago the heir apparent to the King of Delhie died. He was the last of the race who had been born in the purple. The Court of Directors was accordingly advised to decline to recognise any other heir apparent, and to permit the kingly title to fall into abeyance upon the death of the present King, who even then was a very aged man. The Honourable Court accordingly conveyed to the Government of India authority to terminate the dynasty of Timour, whenever the reigning King should die. But as it was found that, although the Honourable Court had consented to the measure, it had given its consent with great reluctance, I abstained from making use of the authority which had been given to me. The grandson of the King was recognised as heir apparent; but only on condition that he should quit the palace in Delhie in order to reside in the palace at the Kootub; and that he should, as King, receive the Governor-general of India at all times on terms of perfect equality. King of Delhie.

42. The Nawab Nazim of Bengal having permitted a cruel murder, by the infliction of bastinado, to be committed within his jurisdiction, and almost at the door of his tent, his Highness's peculiar jurisdiction and legal exemption were taken away from him; and he was subjected to the disgrace of losing a large portion of the salute of honour which he has previously received. Nawab Nazim of Bengal.

43. During the last autumn the Nawab of the Carnatic very suddenly died. As the treaty by which the Musnud of the Carnatic was conferred on his Highness's predecessor was exclusively a personal one; as the Nawab had left no male heir; and as both he and his family had disreputably abused the dignity of their position, and the large share of public revenue which had been allotted to them; the Court of Directors has been advised to place the title of Nawab in abeyance, granting fitting pensions to the several members of the Carnatic family. Nawab of the Carnatic.

44. Very shortly after the death of the Nawab of the Carnatic, the Rajah of Tanjore deceased. He left no son, and no male heir, direct or indirect, who bore his name. The Honourable Court was therefore advised to resume the large stipend which the Rajah had enjoyed, as a lapse to the Government, pensions being granted to the members of the family as in all similar cases. Rajah of Tanjore.

45. In consequence of the proved existence of Khutput (that is, of bribery and other undue influence), in connexion with the political affairs of Baroda at Bombay, the direction of the relations of his Highness the Guicowar with the British Government was transferred to the Governor-general in Council. Since The Guicowar of Central India.

that time his Highness's affairs have ceased to give trouble or anxiety ; and, so far as can be known, no attempt to exercise Khutput has ever been made by his Highness's agents, or by Guzeerattee intriguers at Calcutta.

All the states of Central India have been placed under the control of a Governor-general's agent for Central India, with the same advantage which attended a similar measure within Rajpootana.

Maharajah Duleep Sing and Princess of Coorg.

46. There are two incidents connected with the families of native princes which remarkably signalise the period we are now reviewing, though they may not be regarded as of political moment.

47. The first is the adoption of the Christian faith by Maharaja Duleep Sing, the last of the rulers of the Punjab. The act was voluntary on the part of the boy, and, under the guidance of God's hand, was the result of his own uninfluenced convictions. It is gratifying to be able to add that his life has hitherto been strictly consistent with the injunctions of the faith he professes.

48. The other incident is of a similar nature. I refer to the Christian baptism of the daughter of the ex-Rajah of Coorg, under the special protection of Her Majesty the Queen.

The desire for the baptism of the young princess proceeded from the Rajah himself, and was intimated to me so early as in 1848.

Improvements in civil administration.

49. The catalogue of the changes and improvements which have been effected, and of the measures that have been taken under various heads in the several branches of the civil administration, during the last eight years, is happily a long one.

It commences with the organization of the civil service itself.

Opening of the civil service.

50. By the statute which was passed in 1853 to provide for the government of India, admission to the Indian civil service was thrown open to all who, being natural-born subjects of the Queen, should offer themselves as candidates for examination and admission.

This change of system, comprehensive in its principle and momentous in its consequences for good or for ill, is still an experiment whose result remains to be seen.

Rules for young civil officers.

51. Before this large step was taken by the Imperial Parliament, new and stringent rules had been introduced by the Government of India, for increasing the efficiency of the officers of the civil service.

The unnecessarily protracted period which was allowed for study to every young civilian before he presented himself for the examination which was to test his fitness for entering on active duties, was curtailed. Instead of allowing for that purpose 22 months, during which the young gentlemen had usually idled and loitered at the Presidency, the Government now requires that every civilian shall pass an examination in two languages within six months after his arrival. If he should fail to do so, he is not allowed to remain at the Presidency, but is sent into the Mofussil to continue his studies there.

These rules have been extended to all the several governments.

Periodical examination of assistants.

52. Periodical examinations of the covenanted assistants in the several branches of the administration have been established. Every assistant is required to pass each of these successive examinations before he receives promotion to any higher grade in the civil service.

A similar system of examinations has been established for the uncovenanted officers whom the Government employs.

It is believed that the regulations just described have been productive of the best effect.

Abolition of the College of Fort William.

53. Simultaneously with those measures, the College of Fort William, which was established by the wisdom of Lord Wellesley, but which seemed no longer adapted to the purposes it was intended to serve, and which has indeed become a mere name, was abolished.

A Board of Examiners for conducting examinations and for superintending the studies of young civilians has been created in its stead.

Officers prohibited to take part in management of trading companies.

54. All officers of the Government have been prohibited from engaging or taking any part whatever in the management of banking and trading companies.

54a. It

54a. It has been ordered by the Honourable Court, that in the event of any of their servants, civil or military, resorting for relief to the Insolvent Court, they shall be suspended until the pleasure of the Court shall be made known. Officers having recourse to Insolvent Court, to be suspended.

After several references and modifications, a complete set of Absentee rules has been substituted for those which were published in 1843. It is hoped that they will be found advantageous at once to the members of the civil service and to the interests of the Honourable Company.

55. The following are improvements that have been introduced into the frame of the administrative departments. Civil Absentee rules.

56. In the non-regulation provinces a principle has been established, whereby the whole body of civil officers is distributed into classes of varying size and numbers. The promotion from class to class is regulated by merit, not by seniority. Undoubted benefit has arisen from this change. Promotion in non-regulation provinces.

57. Effect has been given to this principle in the uncovenanted service of Government. Promotion in uncovenanted service.

The system of promotion from grade to grade was formerly regulated by length of service. It gave to each officer promotion, as a matter of course, after he had served a certain number of years. Promotion by merit is now the rule.

In Bengal and in the North-Western Provinces the uncovenanted officers in the opium department, the deputy collectors, the deputy magistrates, and abkaree superintendents, have been arranged in classes, on different rising salaries. Merit alone will now raise an officer from a lower to a higher, among these classes. The superiority of the new system must be obvious at a glance.

58. In addition to these improvements in the terms of service under which the large and valuable body of uncovenanted officers is employed in India, there are others which remain to be noticed. Improvement in condition of uncovenanted service.

The benefits of the pension rules have been conceded to the officers of the Education department. This boon has been extended to the uncovenanted officers of the Public Works department, and to those of the Bengal Steam Service.

Furthermore, a set of Absentee rules for the uncovenanted service has been prepared, and has been submitted for the confirmation of the Honourable Court.

59. Formerly in the Lower Provinces two separate boards, each consisting of two members, had the management, one of the revenue of customs, salt, and opium, the other of the general revenue. The effect of their peculiar constitution was to impose upon the Government the necessity and the labour of deciding in every one of the numerous cases in which the two members of each board might chance to differ in opinion. Abolition of Board of Customs, Salt, and Opium.

The separate boards were abolished; and one revenue board of three members was created in their room.

60. A scheme of reform of the secretariat and of the administrative departments at Bombay, which was submitted by the Government of that Presidency, has been sanctioned, with some temporary reservations. Secretariat at Bombay.

61. An Accountant-general has been appointed in immediate connexion with the Supreme Government. Accountant-General.

62. For some time past very earnest endeavours have been made to expedite the preparation and despatch of the reports on the sketch and regular estimates, and of the statements of actual receipts and disbursements, in each year. Expediting of financial accounts.

It is believed that in future years the wishes of the Home authorities will be completely met. The sketch estimate of 1855-56 was sent in on 26th October 1855. It is expected that the regular estimate of 1855-56 will be sent in May 1856; and that the actual statement of 1855-56 will be made up in December 1856.

63. It has, however, been long felt by the Supreme Government, that the information which was given as to the condition of the Indian finances in each year, by the reports which accompanied the estimates of the year, was cumbrous, obscure, and insufficient. Wherefore, in order to enable the Government of India to take a formal and clear review of its financial position at regular intervals, it was lately directed that, in addition to the reports which are annually prepared

by the Financial Secretary to accompany the sketch and regular estimates, and the accounts of actual receipts and disbursements, the Secretary should in future once in each year, at the time of the submission of the regular estimate, prepare a separate Report, pointing the attention of the Government in this country and at home to any notable changes in the income from material sources of revenue, and affording such explanation of the cause as is to be given; noticing where and how any material increase or reduction of expenditure has been made; and submitting generally an exposition of the prospects of the coming year, founded upon an intelligible analysis of the results of the year under review.

Abolition of Government agency.

64. In the year 1854 it was represented to the Honourable Court of Directors, that, in the circumstances of the present day, it was unnecessary to maintain any longer the office of Government Agent. The business of the Government Agent (the whole of the property in whose hands was private property, not liable to the jurisdiction of the Government, and in cases of dispute tangible by law only) consisted in buying and selling Government securities for whoever thought proper to employ him. These and similar functions seemed no part of the duty of a Government officer, nor was there any reason why the Government of the country should continue to act any longer as a private agent.

Accordingly, the consent of the Honourable Court was given to the abolition of the Government Agency at the end of the present year.

Salaries of civil officers.

65. By the statute of 1853, the salary of each member of the Supreme Council was fixed at Rs. 80,000 per annum. The salary of each member of the Legislative Council was fixed at Rs. 50,000 per annum. Guided by this standard, the Government has ruled, that no salary in India shall exceed Rs. 50,000 a year, with some few and specified exceptions.

Revision of civil salaries.

66. Under the orders of the Honourable Court, a Special Commissioner has recently been appointed, for the purpose of executing the revision which the Honourable Court had required the Government to make of all civil salaries throughout the Indian territories.

Prison discipline.

67. Two great subjects, which command the deepest interest and attention in England, have received, during these years in India, a large measure of consideration and practical development,—I mean, Prison Discipline and Education.

It was in the North-west Provinces, under the administration of Mr. Thomason, that the first effectual effort was made for the improvement of prisons and prison discipline.

The appointment of an Inspector of Prisons within that jurisdiction was found to be so beneficial in all respects, that a similar office was created in Bengal. The Governments of Madras and Bombay have since been authorised to establish the office within their respective Presidencies. It has long since been found necessary to employ an officer in that capacity for the non-regulation province of the Punjab; and the advantage which would have been derived from possessing the control of such an officer there from its first annexation having been made apparent, the Government has profited by experience, and has included an Inspector of Prisons among the necessary administrative officers of the province of Oude.

In connexion with this subject, it may be added, that the punishment of transportation to the Colonies having been abolished in respect of all civil European prisoners, measures have been taken for preparing a general prison for persons of that class convicted in India.

Education.

68. Until of late years the progress of education in India, under the auspices of the several local Governments, must be admitted to have been languid and inconsiderable.

It received its first great impulse, as a general system, from the hand of the late Mr. Thomason, who obtained permission to establish a Government school in every Tehsildaree within eight districts in Hindoostan. The measure was declaredly experimental; but it was attended with such signal success, that in 1853 the Government of India very earnestly recommended that the system of vernacular education, which had proved so effectual, should be extended to the whole of the North-western Provinces. Not only was this large measure recommended for immediate adoption, but similar measures were advised for the lower provinces

provinces of Bengal, and for the Punjab; with such modifications as their various circumstances might be found to require.

The Supreme Government did not fail to give its attention to the subject of vernacular education in Bombay and Madras, in the former of which some progress has been made.

About the same period the Hindoo College and the Madrissa in Calcutta were revised and improved. In connection with them, the Honourable Court was requested to sanction the establishment of a Presidency College at Calcutta, which should be open to all classes of the community, and which should furnish a higher scale of education, especially of English education, to the youth of Bengal, than was supplied by any existing institutions.

The establishment of the College has since been sanctioned.

While the proposals for that institution, and for the extension of vernacular education, were still before the home authorities, the Honourable Court addressed to the Government of India their great education despatch, dated 19th July 1854. It contained a scheme of education for all India, far wider and more comprehensive than the local or the Supreme Governments could ever have ventured to suggest. It left nothing to be desired, if, indeed, it did not authorise and direct that more should be done than is within our present grasp.

Vernacular Schools throughout the districts, Government Colleges of a higher grade, and a University in each of the three Presidencies of India, were the main features of this great plan.

The bestowal of grants-in-aid on all educational institutions was also sanctioned, subject to certain rules, and on the condition of Government inspection being at all times and fully admitted.

Immediate steps were taken in India for giving effect to the orders of the Honourable Court.

A distinct department for the superintendence of education was constituted. A Director-general of Public Instruction has been appointed by each Governor and Lieutenant-Governor, and in the Punjab; and suitable aid by inspectors and others has been allotted to each of them.

Provisional rules for regulating grants in aid have been sanctioned, for the guidance of the several local Governments.

Lastly, a committee has been appointed for the purpose of framing a scheme for the establishment of Universities at the Presidency towns of Calcutta, Madras, and Bombay. It is still engaged on its difficult task.

69. In its general educational projects, the Government has not lost sight of Female education. a collateral object, full of peculiar interest—namely, the education of the females of India.

In 1850, at the suggestion of the late Mr. Bethune, then the President of the Council of Education, that body was instructed by the Government of Bengal to consider their functions as henceforth extending to the superintendence of native female education; and that wherever any disposition was shown by the natives to establish Female Schools, it would be their duty to give them all possible encouragement.

The Court of Directors, in their despatch already referred to, observed, that the importance of Female Education cannot be overrated; and they expressed their cordial sympathy with the efforts which had been made for its encouragement and extension.

It is well known that among the many difficulties which have stood in the way of educating the females of India, none has been more obstructive than the reluctance which has always been shown by the higher classes of natives to consent to permit the attendance of their daughters in schools. The late Mr. Bethune endeavoured to meet this difficulty at the capital by founding a school for the especial instruction of the female children of natives of wealth and rank. It began with very small beginnings. But the influence, the liberality, and the perseverance of its founder, enabled him to achieve and to witness a certain success in his labours.

His unexpected and lamented death in 1851 seemed likely to be fatal to the benevolent and novel undertaking in which he had engaged. Unwilling that any chance of success in so desirable an object should be lost, I adopted and have myself supported the school from the time of Mr. Bethune's death until now.

Though it has struggled on but slowly, its progress has been steady, and still continues. The attendance has gone on increasing, until there are now more than fifty scholars attached to the school.

By means of funds which were left by Mr. Bethune, an excellent school-house and all requisite buildings have been constructed in Cornwallis Square. Everything, as I leave it, promises well; and as the Honourable Court has been pleased to take upon itself the pecuniary maintenance of the school in future, I trust that such special interest will be shown in the undertaking by those of rank and influence on the spot, that its future progress will be insured, until it shall have acquired an extent and stability which will enable it to fulfil the high purposes for which its founder, Mr. Bethune, designed it.

Great measures of material improvement.

70. While it is gratifying to me to be thus able to state that the moral and social questions which are engaging attention in Europe have not been neglected in India during the last eight years, it is doubly gratifying to record, that those years have also witnessed the first introduction into the Indian empire of three great engines of social improvement, which the sagacity and science of recent times had previously given to the Western nations,—I mean Railways, uniform Postage, and the Electric Telegraph.

I propose to advert to each of them briefly, in their order.

Railways.

71. The subject of railway communication in India was first laid before the Supreme Government by Mr. Rowland Stephenson in 1843.

In 1849, the Honourable Company engaged in a contract with the East-Indian Railway Company, for the construction of an experimental line, at a cost not exceeding one million sterling. The line was to be selected with a view to its forming a portion of a future trunk line to the North-west Provinces.

On that ground the section from Howrah towards Rajmahal was chosen, with a branch to the coal-field at Raneegunge.

In the cold weather of 1851, a line was surveyed between Burdwan and Rajmahal. In the following season that survey was continued to Allahabad.

In the spring of 1853, the Government of India submitted to the Court of Directors its views upon the general question of railways for the Indian empire. The Honourable Court was respectfully advised to encourage the formation of railways in India to the utmost. It was urged not to hesitate to engage in the enterprise upon a scale commensurate to the vast extent of the territories which had been placed under its Government, and to the great political and commercial interests which were involved.

It was specifically recommended that, in the first instance, a system of trunk lines should be formed, connecting the interior of each Presidency with its principal port, and connecting the several Presidencies with each other.

The trunk lines which were proposed, and of which the general direction could alone be given, were,—

1st. A line from Calcutta to Lahore.

2d. A line from Agra, or some point in Hindoostan, to Bombay; or, alternatively, a line from Bombay by the Nerbudda valley, to meet at some point the line from Calcutta to Lahore.

3d. A line uniting Bombay and Madras.

4th. A line from Madras to the Malabar coast.

The Honourable Court was pleased to give its approval to the general plan which the Supreme Government had sketched.

Some progress has already been made in the construction of most of these lines; and measures have been taken for the construction of them all in due course of time.

In the Bengal Presidency the line from Calcutta to Raneegunge, a distance of 120 miles, was opened on 3d February 1855.

The Court of Directors has sanctioned the construction of a line from Burdwan to Delhie, on a capital of 10,000,000 *l.* sterling.

The direction of the line from Burdwan to Allahabad having been previously approved, that from Allahabad to Cawnpore was sanctioned in June 1854; from Cawnpore to near Agra in December 1854; and thence *via* Agra and Muttra to Delhie in November 1855.

Surveys

Surveys of two alternative lines from Delhie or Agra to Lahore were executed in 1854-55. Additional surveys have been authorised from Mirzapore to Jubbulpore, and from Cawnpore to Bhilsa.

It has been stated above that the trunk line from Calcutta to Burdwan, with a branch to Raneegunge, has already been opened.

It is expected that the section of this trunk line which lies between Mirzapore and Agra (except the bridge over the Jumna at Allahabad) will be completed by the end of 1857; and arrangements are in progress for opening this portion of the line separately.

It is further expected that the section between Burdwan and Rajmahal will be completed in 1858, and the remainder probably not till 1859.

In the Bombay Presidency the Honourable East India Company has recognised and made engagements with two railway companies for executing the several lines proposed—the first, the Great India Peninsula Railway Company; the second, the Bombay, Baroda, and Central India Railway Company.

In 1849 a contract was entered into with the former, for constructing an experimental line from Bombay towards the Ghats.

The first section of the Bombay line, which was the first line of railway employed for public traffic in India, was opened on 16th April 1853.

A length of fifty-one miles on this line, from Bombay to Wasindra, has been open since October 1855.

After much discussion, and many surveys, in regard to the competing lines for the traffic between Candeish and Bombay (the one proposed by the Great India Peninsula Railway Company, direct, by the Thull Ghat in the Syhadree Range; the other proposed by the Bombay, Baroda, and Central India Railway Company, circuitous, by way of the Taptee Valley), the Government of India was enabled to form a well-founded conclusion in the autumn of 1855. The Supreme Government recommended that the line from Bombay to Candeish by way of the Thull Ghat should be sanctioned by the Honourable Court as a highly-important local line.

At the end of the year, the Supreme Government recommended further, that an extension of this line from Candeish to Nagpore should receive the sanction of the Honourable Court.

Thus, direct and easy and cheap conveyance will be afforded to the magnificent port of Bombay, not only for the produce of the rich province of Candeish, but for all the raw cotton of the famous districts of Berar and Nagpore, to whose value allusion has already been made in a previous paragraph of this Minute.

Surveys have also been executed for this company from Candeish to the iron and coal districts on the Nerbudda, and as far as Jubbulpore, where they will meet the survey, already mentioned, from Mirzapore.

In December 1854, the Supreme Government recommended to the Honourable Court to give its sanction to the line from Bombay by the Bhore Ghat to Poona, as the first section of the trunk line from Bombay to Madras.

In the autumn of 1855, the Honourable Court was advised to sanction the prolongation of this line from Poona as far as the River Kristna, where it is intended to meet the trunk line from Madras.

In November 1854, the Government of India resolved to recommend to the Court of Directors to give its sanction to the line which had been surveyed by the Bombay, Baroda, and Central India Railway Company, from Bombay to Baroda and Ahmedabad, and which was intended to form the first section of a trunk line from the western coast of India to Hindoostan.

The Honourable Court was pleased to approve of the section from Surat to Ahmedabad; but it withheld for the time its sanction to the section between Surat and Bombay.

The line of junction which should be selected between the Presidency of Bombay and Hindoostan has been found beset with difficulties. But in the very last hours of my administration, I have had the satisfaction of receiving plans and sections which appear to show that a very practicable and eligible line may be found from Baroda over the Ghats to Indore, and thence by Bhilsa and Gwalior to Agra. I trust that this line, forming an excellent junction between Bombay and Hindoostan, and giving easy access to the rich products and important trade of Central India, may ultimately be adopted.

In the Madras Presidency, all the railway engagements of the Honourable East India Company have been formed with the Madras Railway Company.

A line from Madras through Variembaddy, Salem and Coimbatore to Poonany, on the Malabar coast, was sanctioned by the Honourable Court.

No portion of this line had been opened as yet for public traffic. But I had the satisfaction of travelling upon it for about fifty miles in November last, and I saw every reason to approve of the execution of the line, and of the vigour with which the works were being carried on.

Sanction has also been given by the Honourable Court to a branch line from Variembaddy to Bangalore.

Two plans have been proposed for the trunk line which is to unite the Presidencies of Madras and Bombay.

The one line would proceed by Cuddapah and Bellary to the River Kristna. The other would form a continuation of the line first mentioned, and would be carried from Bangalore to Bellary, and thence to the River Kristna.

The Supreme Government has given the preference to the trunk line by way of Cuddapah, and has referred the question for the final decision of the Honourable Court.

It seems to me that the Honourable Court have every reason to be satisfied with the progress that has been made in the construction of Indian railways since 1849, and with the prospect of future return.

Post-office.

72. The inferiority of the postal system in India, and the unsatisfactory manner in which the Post-office department had been found to work in every Presidency, induced the Supreme Government, in the year 1850, to appoint a commission, consisting of one member from each Presidency, to examine into the Post-office system, and to report on some scheme for its improvement.

The Report prepared by the commission was submitted for the consideration of the Honourable Court of Directors. It resulted ultimately in the adoption of the following principal changes and improvements in the Indian postal system:—

1st. The institution of the Post-office throughout India as a distinct department, superintended by the “Director-general,” under the immediate control of the Government of India.

2d. The establishment of an uniform single rate of postage, of half an anna ($\frac{2}{4}d.$) for letters, and of an anna ($1\frac{1}{2}d.$) for newspapers, irrespective of distance.

3d. The substitution of postage-stamps for cash payments.

4th. The restriction of the privilege of official franking to as few officers as possible.

Very recently Her Majesty's Government have consented to the adoption of an uniform rate of postage, payable in one sum, on letters between England and India. The rate has been fixed at 6*d.* per half-ounce.

As yet, it is too soon to form any correct estimate of the actual effect of these changes upon the amount of general correspondence, and upon the public revenue. So far as we may venture to form a conjecture, the increase in correspondence has already been at the rate of 25 per cent., while the loss of revenue has been less considerable than was expected.

On the other hand, it would be difficult to form any conception at all of the real magnitude of these changes, and of their social effects, unless by illustration and contrast. Two simple facts may, perhaps, enable a bystander to estimate in some degree the extent of our postal reform, and its value.

In England, a single letter is conveyed to any part of the British Isles for 1*d.*; in India, a single letter is conveyed over distances immeasurably greater—from Peshawur on the borders of Afghanistan, to the southernmost village of Cape Comorin, or from Debrooghur in Upper Assam, to Kurrachee at the mouth of the Indus—for no more than $\frac{3}{4}d.$ The postage chargeable on the same letter three years ago in India would not have been less than 1*s.*, or 16 times the present charge.

Again, since uniform rates of postage between England and India have been established, the Scotch recruit who joins his regiment on our furthest frontier at Peshawur may write to his mother at John o' Groat's House, and may send his letter to her free for 6*d.* Three years ago the same sum would not have carried his letter beyond Lahore.

It has rarely happened that a departmental revolution so complete, having consequences so wide-spread and so generally beneficial, could be recorded in so few lines as have now sufficed to exhibit the reform of our Indian Post-office, and its excellent results.

73. It was in the beginning of April 1852, that the report of Dr. W. O'Shaughnessy on the full completion and the successful working of the experimental line of electric telegraph, which had previously been authorised by the Honourable Court, was laid before the Government of Bengal. On the 14th of that month the Governor of Bengal strongly urged the Governor-General in Council to obtain the sanction of the Honourable Court to the immediate construction of lines of electric telegraph from Calcutta to Agra, to Bombay, to Peshawur, and to Madras. He also advised that Dr. O'Shaughnessy should be forthwith sent to England for the furtherance of the measure. On the 23d of the same month the Governor-general in Council recommended these measures to the Court of Directors, and Dr. O'Shaughnessy proceeded to England.

Electric telegraph.

The Honourable Court entered into the proposal with the utmost cordiality and promptitude, and on 23d June it signified its assent to the whole proposal of the Government of India. During the rest of that year, and through the greater part of the next year, Dr. O'Shaughnessy was employed in procuring and despatching from England the immense mass of materials which was required for the vast work which had been projected.

In November 1853, the construction of the telegraph line from Calcutta to Agra was commenced. On the 24th March 1854, a message was sent over the line from Agra to Calcutta, a distance of 800 miles, which had been completed in less than five months.

The vigour which was thus apparent at the commencement of the work was fully maintained throughout all its subsequent progress. On the 1st February 1855, 15 months after the commencement of the work, the superintendent was able to notify the opening of all the lines from Calcutta to Agra, and thence to Attock on the Indus, and again from Agra to Bombay, and thence to Madras. These lines included 41 offices, and were extended over 3,050 miles of space.

Nor is this all. Since the commencement of the past year, the line of electric telegraph has been completed to Peshawur; it has been extended from Bangalore to Ootacamund, and is nearly finished from Rangoon to Meeaday upon the Burmese frontier.

To sum up in a single sentence. The Superintendent has stated in his last report,* that 4,000 miles of electric telegraph have been laid down and placed in working order since the month of November 1853.

The difficulties which have been encountered in the construction of the Indian telegraph lines were such as have no existence in the civilised and cultivated countries of Europe.

Throughout Central India, for instance, Dr. O'Shaughnessy states,—“The country crossed opposes enormous difficulties to the maintenance of any line. There is no metalled road; there are few bridges; the jungles also in many places are deadly for at least half the year; there is no police for the protection of the lines. From the loose black cotton soil of Malwa to the rocky wastes of Gwalior, and the precipices of the Sindwa Ghats, every variety of obstacles has to be encountered.”†

On the lines that have been mentioned, about 70 principal rivers have been crossed, some by cables, others by wires extended between masts.

Some of these river-crossings have been of great extent. The cable across the Soane measures 15,840 feet; and the crossing of the Toonbuddra river is stated to be not less than two miles in length.

The cost of constructing the electric telegraph in India cannot yet be accurately calculated. The Superintendent, in his last report, has stated it as his belief that the “total cost of everything, construction of 4,000 miles as they at present stand, working of all the offices for two years, spare stores in hand, instruments, houses, &c.,” will not exceed 21 lakhs of rupees, or little more than Rs. 500 a mile.‡

It

* 9th February 1856.

† Report, 9th February 1856, para. 26.

‡ Ibid., para. 66.

It is to be observed, that the construction of the line, though rapid, is for the most part already substantial. The Superintendent states that the line, "for three-fourths of the distance from Madras to Calcutta, is superior in solidity to any ever erected elsewhere."* On some portions of its length it stands without a rival in the world. For instance, in the Madra Presidency, the line for 174 miles is borne on stone masonry pillars capped with granite, while for 332 miles it is sustained "on superb granite, 16 feet high above ground, in single slabs."†

It is satisfactory to be able to add, that the Superintendent has officially stated that the tariff of charges on the Indian lines "is now as cheap as that in use in any other country, having lines of such length as permit a fair comparison with ours."‡

Thus it is stated, that in England a message of 20 words sent 400 miles would be charged 5s. The charge in India for 24 words to Benares, 420 miles, is 3s.||

Again, in the lines on the continent of Europe, a message of 24 words, sent from London to Trieste, would cost 22s. A similar message of 24 words, sent from Calcutta to Bombay (about the same distance, 1,600 miles, as from London to Trieste), would be 12s.§

For a comparison of the charges for greater distances than these, we must look to the United States of America.

The Superintendent states, that a message of 16 words, sent from New York to New Orleans, 2,000 miles, would cost 13s. 6d. A similar message of 16 words, sent from Calcutta to Bangalore, which is more than 2,000 miles, costs only 10s.**

Allusion has been made to the physical difficulties which obstructed the formation of the telegraph lines in India; but these were by no means the most serious difficulty with which the Superintendent has had to contend. An entire establishment for the working of the lines was to be formed from the commencement, and the materials from which to form it were scanty, and by no means of the best description.

Hence the Superintendent states, even in his last report,†† that his "chief and almost insurmountable difficulty" has lain in the sudden and simultaneous training of some 300 persons, employed in 60 different offices. And while the Superintendent affirms that the signallers generally are expert, and capable of accurate manipulation, yet, in respect of steadiness and other requisite qualities, he records that there is both room and need for great improvement.

I could myself bear testimony to the accuracy and rapidity with which the telegraph is worked, but I prefer to quote the recorded statements of the Superintendent.

Referring to allegations of inaccuracy in the Telegraph department, the Superintendent observes, "I can further establish by facts and official records beyond dispute, that the Indian lines have already accomplished performances of rapidity in the transmission of intelligence, which equal that achieved on the American lines. We have repeatedly sent the first bulletin of overland news in 40 minutes from Bombay to Calcutta, 1,600 miles. We have delivered despatches from Calcutta to the Governor-general at Ootacamund, during the rainy season, in three hours, the distance being 200 miles greater than from London to Sebastopol. We have never failed for a whole year, in delivering the mail news from England *via* Bombay within 12 hours."‡‡

The Superintendent has been permitted by the Honourable Court to proceed a second time to England and to America, to obtain the means of improving our present system, and of extending it still further.

Several new lines are in contemplation within India itself.

The Supreme Government has further expressed its readiness to co-operate with the Government of Ceylon in extending the Indian lines from the Presidency of Madras to Point de Galle.

And as the Honourable Court has indicated its willingness to join in any practicable scheme for laying down a submarine telegraph across the Mediter-
ranean

* Report, 9th February 1856, para. 81.

† Ibid., para. 68.

** Ibid., para. 76.

|| Ibid., para. 70.

†† Ibid., para. 100.

‡ Ibid., para. 32.

§ Ibid., para. 74.

‡‡ Ibid., para. 78.

anean and the Indian Seas, it may be hoped that the system of electric telegraphs in India may yet one day be united with those which envelope Europe, and which already seek to stretch across the Atlantic Ocean.

It is not the object of the Government of India to derive any surplus revenue from its telegraph establishment. If, therefore, mention is here made of the financial results of the year, it is only for the purpose of showing the important fact, that increasing resort is made to the telegraph for the transaction of private business, throughout the country. The Superintendent states that the "monthly cash receipts have, even in the first year, very largely exceeded the sum anticipated (namely, Rs. 10,000), and that they exhibit a steady and constant increase from month to month."*

The political and the military advantages which the Government of the country derives from the possession of such an engine of power are too obvious to call for notice. But two remarkable instances of its efficacy, which have fallen within my own immediate knowledge, will afford an illustration of its political value, which will not be without interest.

When Her Majesty's 10th Hussars were ordered with all speed from Poona to the Crimea, a message requesting instructions regarding their despatch was one day received by me at Calcutta from the Government of Bombay, about nine o'clock in the morning. Instructions were forthwith sent off by the telegraph in reply; and an answer to that reply was again received at Calcutta from Bombay in the evening of the same day. A year before, the same communications for the despatch of speedy reinforcements to the seat of war, which occupied by the telegraph no more than twelve hours, could not have been made in less than 30 days.

The other instance was of a similar character.

When it was resolved to send Her Majesty's 12th Lancers from Bangalore to the Crimea, instead of Her Majesty's 14th Dragoons from Meerut, orders were forthwith despatched by telegraph direct to the regiment at Bangalore.

The corps was immediately got ready for service. It marched 200 miles, to Mangalore, and was there before the transports were ready to receive it.

In both cases the effect was the same. The electric telegraph enabled the authorities in India to give to Her Majesty's Government, in its hour of need, two magnificent cavalry corps of not less than 1,300 sabres; and to despatch them to the Crimea with a promptitude and timely alacrity which exceeded all expectations, and which in the circumstances of the previous year would have been utterly impracticable.†

I have now given a brief history of the construction, of the working, and of the results of the electric telegraph in India.

In the Minute in which, as Governor of Bengal, I first proposed the construction of a general system of telegraphs to the Governor-general in Council, it was observed,‡ "Everything, all the world over, moves faster now-a-days than it used to do, except the transaction of Indian business."

Whoever shall peruse the paragraphs that have just been written, will be ready to admit, that, so far as the electric telegraph is concerned, the reproach of tardiness has been removed.

Furthermore, I make bold to say, that whether regard be had to promptitude of executive action, to speed and solidity of construction, to rapidity of organization, to liberality of charge, or to the early realisation and vast magnitude of increased political influence in the East, the achievement of the Honourable Company in the establishment of the electric telegraph in India may challenge comparison with any public enterprise which has been carried into execution in recent times, among the nations of Europe, or in America itself.

74. Although

* Report, 9th February 1856, para. 7.

† I venture to add another and a recent instance of the political value of the electric telegraph, which has occurred since this Minute was signed.

On the 7th February, as soon as the administration of Oude was assumed by the British Government, a branch electric telegraph from Cawnpore to Lucknow was forthwith commenced. In 18 working days it was completed, including the laying of a cable, 6,000 feet in length, across the River Ganges. On the morning on which I resigned the government of India, General Outram was asked by telegraph, "Is all well in Oude?" The answer, "All is well in Oude," was received soon after noon, and greeted Lord Canning on his first arrival.—(Signed) D.

‡ Minute, 14th April 1852, para. 9.

Other material improvements.

74. Although conspicuous place has been given to those great measures of public improvement, on which I have dwelt in the preceding paragraphs at a length which only their great importance and value will justify, many measures remain to be told which are well worthy of note, in connexion with the commerce, the resources, the products, the communications, and the general improvement of the country.

Commerce and navigation.

75. In connexion with commerce and navigation, it may be mentioned, that within the last eight years differential duties on foreign bottoms have been abolished.

The coasting-trade of India has been set entirely free.

An Act has been passed for the discouragement of crimps, and for the registry of British seamen.

The duties levied in the ports of India are already so light, that there has been little inducement to touch the tariff, unless it had been for the purpose of enhancing the rates, in justice to the general revenue of India.

The tariff, however, has been in some degree simplified, and its operation has been extended to the ports of the provinces of Tenasserim, Arracan and Pegu.

Restriction on the salt trade of the North-western Provinces has been removed.

Salt manufacture.

76. Early in 1854, a commissioner was appointed to investigate and report upon the whole question of the manufacture and sale of salt in India.

The appointment of the commissioner was made with especial reference to the question of the practicability of controlling the manufacture of salt in Bengal by means of a system of excise.

It has been a cause of just dissatisfaction to the Supreme Government, that the submission of the report on this subject has been so long delayed, and that it has only just been transmitted to the home authorities by the commissioner, Mr. Plowden, and even now in an imperfect state.

In the meantime, the sanction of the Supreme Government has been given to an experiment being made under the authority of the Lieutenant-Governor of Bengal, for the manufacture of salt in one district within his jurisdiction under a system of excise. The experiment is still in progress.

Commerce.

77. A duty on the import of raw cotton into the North-western Provinces has been abolished.

The frontier customs duties in the Punjab having been found to be a cause of vexatious oppression to the population, while the sum they gave to the treasury was comparatively inconsiderable in amount, they were wholly abolished, and their place was supplied principally by a tax on salt from the mines.

At the same time, the duty on the salt taken from the Trans-Indus mines was made exceedingly light, the object there being not the realization of revenue, but the maintenance of tranquillity, and of an effectual control over the interests and the conduct of the hill tribes.

In like manner, and for similar reasons, all customs and all export duties upon the River Indus were abandoned; and ultimately the land frontier customs were abolished in Scinde, as they had previously been in the Punjab.

Upon the same principle, the land frontier customs between the territories of his Highness the Nizam and the British provinces which surround it, have been wholly given up, and are no longer levied upon any part of the frontier.

Resources of India.

78. While efforts have thus been made, in various provinces of the empire, to give full freedom to the course of trade, the Government of India has been sedulous in originating and encouraging endeavours to discover and bring to use the hidden resources of the Indian territories.

Cotton.

79. The great acquisition which has been made by the possession of the cotton districts of Berar and Nagpore has already been noticed.

Attention has also been given to the cotton which is produced in the Upper districts of Pegu. A gentleman having practical knowledge of the subject was deputed to examine the districts beyond Prome and Thayet Myo. His report, although meagre, was encouraging in a certain degree.

Tea.

80. The cultivation of tea in Assam has prospered in a remarkable degree.

The

The plant has also been largely introduced into the upper districts of the North-west Provinces. Some years ago, plantations were established in the Deyrah Dhoon, and in Kumaon and Gurhwal.

More recently Mr. Fortune has been employed to bring plants and seeds in large quantities from China, and to engage Chinese workmen for the manufacture of the tea.

The cultivation has extended along the Himalayas. Extensive plantations are now growing up on the heights towards Kangra; and an experimental plantation has been formed on the Murree Hills above Rawul Pindie. Further to the eastward, in Kumaon and Gurhwal, the zemindars have adopted the cultivation of the plant themselves.

Very large quantities of tea are now manufactured every year. It sells readily, at a high price. There is every reason to believe that the cultivation of the tea plant will be very widely spread in future years, and that the trade in tea produced in India will become considerable in extent.

81. An Agricultural and Horticultural Society having been established in the Punjab, the Government has given to it a liberal annual contribution, and constant support and aid. Agriculture.

Different kinds of seeds have been procured from Europe for the improvement of agriculture in that province.

The growth of flax has been largely encouraged, and the cultivation of it at once extended to very considerable dimensions.

An experiment for the growth of silk having been undertaken, workmen skilled in the business, mulberry plants, and every other requisite, were provided abundantly by the Government.

Measures also have been taken for preserving the breed of horses, which was formerly much prized in the Punjab.

And to aid the exertions of the Society for introducing a better breed of sheep into the country, Merino rams were procured by the Government, and application was made for the importation of a further supply from the Australian Colonies.

An experiment has been made of the practicability of introducing a breed of sheep into Pegu. The practicability had always previously been denied; but the success which has already attended the establishment of large flocks in Upper Pegu gives the strongest reason to believe that the animal will speedily be naturalised in those districts, and multiply. The natives show a strong desire to possess them; they thrive perfectly, and are singularly fruitful.

The object is one of great importance; for the absence of sheep leads to a privation in respect of food, which is severely felt not only by the European soldiers in the province, but also by all of every class who are employed therein.

Corresponding measures for the encouragement of agriculture have not been wanting in the elder provinces; and a large pecuniary grant was recently sanctioned by the Supreme Government, on the application of the Government of Madras, for the establishment of periodical agricultural shows within that Presidency.

82. The preservation and renewal of forests in different parts of India is an Forests. object of the highest public importance, which until lately had not received the attention it deserved. Rules have now been laid down, and appointments have been made, which, it is hoped, will for the future have the effect of preventing all unthrifty management of the forests, on which we must mainly depend for the supply of necessary timber; while the renewal of the trees, as well as their preservation, will be provided for.

- With that view, a Conservator of Forests was appointed in Pegu, as soon as we obtained possession of the province. A similar officer has been appointed for Tenasserim and Martaban.

The principal forests from which our supply of timber for public purposes in Hindoostan was derived belonged to the Government of Oude. They have heretofore been beyond our control, but they will now be carefully regulated and preserved.

A transit duty was until lately levied on the export of timber grown on grants of land made to private persons in the Deyrah Dhoon. This transit duty has been relinquished. But for the proper conservancy of forests in the Dhoon, it has been deemed necessary to prevent the felling of timber without the sanction of a

Superintendent of Forests, who is appointed by the Government to insure due precaution being taken against the waste and injury to the forests, which had hitherto gone on unchecked.

Similar endeavours have been made for the preservation of the forests within the Hill States. But, as most of these belong to Hill Chiefs, the attainment of the object at which the Government aims is beset with difficulties.

Regulations, however, have been laid down for the management and for the renewal of those forests over which the Government can exercise control.

A complete examination of all the forests upon the Sutlej and Beas has been made by an officer appointed by the Government of India; and every precaution has been taken for their future preservation and thrifty management, by leasing tracts of forest for our own use, by the prohibition of burning the hill-sides, and by the exercise of such influence as can be used with the improvident and ignorant petty potentates, to whom the forests for the most part belong.

Throughout the whole Punjab the Government, as well as private persons, is almost wholly dependent for a supply of timber upon the forests in Chumba, and in the territories of Maharajah Golab Sing. To facilitate the supply, and to prevent extortion, a Government agency has been established with wholesome effect.

The plains of the Punjab are wholly destitute of forest trees. Shortly after our occupation of the province, instructions were issued by the Government, with a view to the gradual removal of this great want. It is hoped that the measures which were enjoined, and which have been vigorously carried into effect, may in due time produce the results which the Government has had in view. But the process must needs be slow; and if success shall ultimately be attained, it must be the work of time.

Mineral resources
of India.

83. During the last eight years, persevering efforts have been made to render available the mineral wealth which this country is believed to possess.

At the present time two principal necessities which press upon the Government, and are felt to be essential to the interests of the community, are iron and coal. Every possible effort has been made, and is still making, to supply those great necessities.

Coal.

84. Immediately after the annexation of the Punjab, an examination of the Salt Range was made, with a view to determine the extent of the coal within it, of which seams had been found at Kalabagh.

The result of the examination unfortunately established, that the coal discovered at Kalabagh was a mere lignite, inconsiderable in quantity, and almost worthless in quality, and that the Salt Range contained no beds of real coal.

More recently, the hopes of the Government were raised by the announcement of the discovery of coal in Pegu. But here also the seam unfortunately proved to be of inconsiderable extent. There is, however, good reason to hope that workable seams of coal may yet be found in Pegu; where, as well as in the Tenasserim provinces, the mineral has been discovered at various points.

Mr. Oldham, a gentleman possessing scientific and practical knowledge of the subject, was appointed by the Court of Directors to make full examination of the districts in which coal might be present. Mr. Oldham has already examined the principal districts of Bengal, Sylhet, and Tenasserim; and he is now carrying on his investigations in the Nerbudda Valley.

There is no doubt of the existence in India of coal in abundance. But the great difficulty of access to it, and distance, are formidable impediments in the way of rendering it available for the purposes for which it is required.

Iron.

85. Inquiries regarding the capacity of the Indian territories as an iron-producing country were actively set on foot by the deputation of M. Marcadieu in 1853, as a geological surveyor, to examine and report upon the iron mines which were said to exist in the hills to the north of Simla. Reports were submitted by him on mines at various points. They proved the existence of rich iron ores at certain points; but from the situation of the mines, and the general scarcity of fuel and of water in the neighbourhood of them, it did not seem to the Court of Directors that the minerals in the Simla Hills held out sufficient inducement to the Government to undertake the working of them. M. Marcadieu was also employed to inquire into and report upon the supply of borax, which was said to be found in the inner Himalayas. The inquiry was urgently pressed by the

English

English manufactories of porcelain and pottery. The borax exists in great abundance in a very wild and remote country belonging to Maharajah Golab Sing, beyond Spiti and Kooloo. The difficulties of access are very great. The Maharajah has given assurance that he will not raise his duty on the article. The Government of India has promised its best aid. But the Chamber of Commerce in the Potteries seems now disinclined to pursue the trade in borax at so remote a point.

The Honourable Court deputed Mr. Henwood, a gentleman possessing practical experience as well as scientific knowledge of the subject, to survey the districts of Kumaon and Gurhwal, where iron deposits were said to abound.

During the last year the researches of Colonel Drummond and those of Mr. Henwood appeared to the Government of India to establish the practicability and the expediency of commencing mining operations in the districts above mentioned. Accordingly, an experimental mining and smelting establishment at the foot of the Kumaon Hills has been sanctioned by the Government; and it is already in progress under the direct control of the Lieutenant-Governor of the North-west Provinces.

Other investigations carried on simultaneously by different persons in various quarters have been equally successful in the discovery of iron ores.

In the Nerbudda Valley the existence of rich mines of iron have been ascertained by local examinations, conducted by the surveyors of the Bombay, Baroda, and Central India Railway Company, under the direction of Colonel Kennedy; and proposals for working the mineral at Poonassa have some time since been laid before the Honourable Court.

Iron has been found, and has been actually manufactured, very recently, in districts near Beerbhoom.

Lastly, proposals have, during the last few weeks, been submitted to the Government of India by Mr. Hunt, one of the contractors of the East Indian Railway, for leasing and working mines of iron and coal, which he has succeeded in finding in the districts not far from Jubbulpore.

On these encouraging facts fair hopes may be built that the present most urgent want of India in connexion with her material improvement, namely, an ample supply of good iron within her own bounds, may at no distant date be abundantly supplied.

86. Before proceeding to describe the various classes of public works which, during the last eight years, have been undertaken by the Government for the material improvement of the country, it should be stated that steps have been taken for the execution of a topographical survey of all our recent territorial acquisitions, as a measure which is a necessary preliminary to all systematic improvement. Surveys.

Thus, in the Punjab, surveys were very early established in different portions of the province, and on a large scale.

The northern boundary of Pegu has been very accurately laid down by Major Allan. It was a work of great difficulty and delicacy, and has been executed with much ability and with complete success.

A topographical survey of Pegu is already in progress; and a similar measure has been directed in the adjoining province of Martaban.

Measures have also been taken for obtaining as soon as may be practicable topographical surveys of Nagpore and Scinde, as well as of the assigned districts of Hyderabad.

In connexion with this part of the subject it may be mentioned, that in Central India the consent of all the native states has been obtained to the making of a topographical survey, and to a demarcation of all the boundaries between the several native states, and between the British territories and those of native states.

This measure is of great importance and value, not only with reference to the possible future improvement of those territories, but for the preservation of public tranquillity, which has heretofore been so frequently disturbed by feuds arising from disputed boundaries.

87. Of all the works of public improvement which can be applied to an Indian province, works of irrigation are the happiest in their effects upon the physical condition of the people. And foremost among all the works of irrigation that the world as yet has ever seen, stands the Ganges Canal, whose main stream was for the first time opened on the 8th April 1854. Ganges Canal.

When the opening of the canal was reported to the Honourable Court, the work was thus briefly described :*

“ Within eight years the main lines of the Ganges Canal, applicable to the double purpose of irrigation and navigation, have been designed, executed and opened.

“ Extending over 525 miles in length, measuring in its greatest depth 10 feet, and in its extreme breadth 170 feet, the main irrigation line of the Ganges Canal is justly described ‘ as a work which stands unequalled in its class and character among the efforts of civilized nations.’—(Letter, Lieutenant-Governor, April 1854, para. 8.)

“ Its length is five-fold greater than that of all the main lines of Lombardy united, and more than twice the length of the aggregate irrigation lines of Lombardy and Egypt together—the only countries in the world whose works of irrigation rise above insignificance.

“ As a single work of navigation for purposes of commerce, the Ganges Canal has no competitor throughout the world. No single canal in Europe has attained to half the magnitude of this Indian work. It nearly equals the aggregate length of the four greatest canals in France. It greatly exceeds all the first-class canals of Holland put together; and it is greater, by nearly one-third, than the greatest navigation canal in the United States of America.

“ I have spoken here of the main line alone. When the branches in progress shall have been completed, the extent and influence of the work will be vastly increased throughout all its gigantic proportions.

“ Wonderful and admirable in all respects as the Ganges Canal is felt to be, it has been well said, in the words which the Lieutenant-Governor has quoted, ‘ that there is no more striking fact in connexion with it, than that such a truly gigantic undertaking should have been in its design the work of a single intellect, and in its execution the work of a third part of one man’s professional life.’ ”

All the plans for the prosecution of the works upon the canal had been formed before the Government of India was placed in my hands. But of the sum of 1,400,000*l.* which had been expended upon the canal at the time of its opening in 1854, all, excepting 170,000*l.*, has been granted since my administration commenced. No financial pressure, no exigencies of war, were suffered to interrupt the progress of that great work. Its main lines have now been opened for nearly two years; the water has been admitted over their whole length; the works have stood the test, during the last monsoon, of some of the severest floods that have ever been known; and as yet the success has been in all respects complete.

When the branches shall be finished, the canal will extend to about 900 miles in length. It is estimated that the area which may be irrigated by its waters will not be less than 1,470,000 acres; but none can estimate, in their full extent, the blessings which its fertilising influence will confer upon millions, whom it will place henceforth beyond the reach of those periodical calamities of season which from time to time, as in 1837, have brought upon the plains of Hindoostan the wide-spread desolation of famine and death.

I trust I shall not be thought vain-glorious if I say that the successful execution and completion of such a work as the Ganges Canal would, even if it stood alone, suffice to signalise an Indian administration.

I rejoice to know that the gracious favour of the Sovereign was promptly shown to the man whose genius designed and whose energy so rapidly completed this noble work, and that Sir Proby Cautley has been worthily decorated with high honours from the Crown.

Baree Doab
Canals.

88. Although the gigantic proportions of the Ganges Canal might appear at first sight to dwarf all other similar works into insignificance, the Government during these years has undertaken other irrigation projects, which must also be regarded as of great magnitude and importance.

Soon after the annexation of the Punjab, the sanction of the Government was given to the construction of a large canal with various branches, which should be fed by the waters of the River Ravee, and which should be applied to the irrigation of

* Minute, Governor-General, 5th May 1854.

of the Manjha (the tract which was chiefly inhabited by the Sikhs), and of the rest of the Baree Doab.

The work has been carried on with vigour and success. The main line, with its branches, will extend over not less than 465 miles. Its stream will be at its head 120 feet in breadth, and $5\frac{1}{2}$ feet in depth, diminishing at its lower end to 16 feet in breadth and $2\frac{1}{2}$ feet in depth. Its course is intended to be navigable; and even during the dry season of the year the canal head will roll down a body of water amounting to not less than 3,000 cubic feet in each second.

The Report on the Punjab did not exaggerate the magnitude or the importance of the works in the Baree Doab, when it stated that the new canal would be "second in India only to the great Ganges Canal; and equal, if not superior, to the finest irrigation canals in Europe."*

89. In the Mooltan district, we found a vast number of smaller canals, fed by the periodical inundations from the rivers of the Punjab. They had been originally dug by the Pathan Governors, and had more recently been repaired by Sawun Mull, the father of Dewan Moolraj. Mooltan Canals.

An officer was appointed to supervise the clearance of the canals, and the distribution of the waters. "The canals," it is stated, "have been both enlarged and improved; and, as regards conservancy and subsidiary management, they are in more efficient order than they ever were, even in the palmy days of Sawun Mull."†

The aggregate length of the inundation canals in the district of Mooltan is upwards of 600 miles.

90. The inundation canals in the Derajat are of local importance; but the streams are troublesome, and the people have not been successful in their management of them. Derajat Canals.

A survey of all these canals was made, and the improvement of them is still in progress.

91. In the Cis-Sutlej province, where surveys for great irrigation works were completed several years ago, no commencement has yet been made, while the extensive works already mentioned more urgently demanded the attention of the Government. Cis-Sutlej Irrigation.

Some amendment, however, has been wrought in those arid regions by a proper distribution of the waters of the Guggur and Sursootee Rivers, which was effected some years ago by the exercise of the influence of the Government among the Chiefs of the Sikh Protected States.

92. Even the lower provinces of the Bengal Presidency, where the usual abundance of the annual rains diminishes the necessity and the call for works of irrigation, have received their due share of improvement under this head. A comprehensive project for the irrigation of the districts of Shahabad and Behar, by a canal from the River Soane, and by large reservoirs which are to be found by bunding up the streams where they issue from the hills, has been strongly recommended to the Honourable Court. Behar Canals.

93. Among many works which have been constructed in the Presidency of Madras during these years, for the supply of tanks, and for other modes of irrigation, I think it necessary to enumerate only a few. Godavery Irrigation works.

A magnificent work has been designed and executed by Colonel Cotton and his successors, in the construction of the great annicut across the River Godavery, whereby the means of irrigation will be given to very large tracts of country, to which such security against the constant risk of famine will be beyond all value.

94. For similar purposes of irrigation, sanction was given to the construction of a regulating dam across the Rivers Cavery and Venaar. Irrigation works in Madras.

In order to render the water of the Kristna available for purposes of irrigation, the formation of a great annicut across that river has been sanctioned.

A similar annicut was sanctioned on the River Pennair, which, while it answered the purposes of a bridge, has secured and extended the cultivation of a large tract of country besides.

When

* Second Punjab Report, p. 424.

† Ibid., p. 429.

When the annicut across the River Palar shall be finished, it will insure a supply of water to the tanks on both sides of the river in the districts of North Arcot and Chingleput, and will confer substantial benefit on the whole country within its scope.

Irrigation works in
Bombay.

95. In the Presidency of Bombay proposals have been made by a joint stock company to undertake the execution of great works of irrigation throughout the various districts of the Presidency, on terms which are set forth in its proposals. The project has been submitted to the Honourable Court by the Government of India; and acceptance of the proposals of the company has been recommended, with certain large modifications which it is not necessary to specify.

Irrigation works in
Scinde.

96. In Scinde the construction of a Canal connecting the River Indus with the Nara stream has been approved. By this work the channel of the Nara will be annually and regularly supplied with water; which hitherto it has only received by extraordinary inundations once in 20 or 25 years.

The certain result will be immense benefit to the people of the province, and consequent increase to its revenue.

In Lower Scinde the channels of the Foolalie Canal have been cleared and improved; and in Upper Scinde similar and extensive measures of improvement have been executed on the channel of the Begarree Canal.

Internal naviga-
tion.

97. Next in order to works of irrigation stand works for improving the general communications of the country. Of these, works of internal navigation shall first be noticed.

River Ganges.

98. Already, before 1848, the Ganges had been covered with a flotilla of river steamers, provided as well by Government as by the enterprise of private companies, for conveying the great trade which sought passage upon its waters.

River Indus.

99. When the conquest of the Punjab gave the upper stream of the River Indus into our possession, the Government was in hopes that private enterprise would place river steamers upon its stream even more abundantly than upon the Ganges. That hope was disappointed. The Government, therefore, endeavoured by its own flotilla to establish a regular communication by steam between the sea and the rivers of the Punjab.

Accordingly, river steamers have for several years periodically made the passage from Kurrachee to Mooltan; and there seems no reason to doubt that if the steamers were more numerous, more certainly accessible to the public, and better adapted to the shallow waters on which they ply, their services would be of infinite benefit to the frontier trade.

In the meantime the channel of the Indus is becoming the great highway between Europe and the North-western Provinces of our possessions. Troops arrive and depart from England by that route. Recruits are sent out, and invalids sent home, each year by its stream; thus avoiding the long and weary march which must otherwise be made by Calcutta. Great quantities of heavy stores follow the same course, and passengers in large numbers now by preference seek by it a point of departure at Bombay.

A proposal has been made by the Government of Bombay for despatching two steamers on experimental trips from Kurrachee direct to Suez. The result, if it should prove successful, will add importance and value to steam communication upon the Indus.

Rivers of the
Punjab.

100. Surveys have been made of the principal rivers of the Punjab, with a view to the extension of river navigation still further into the interior of the province.

The Indus may certainly be navigated nearly as far as Kalabagh, and at no great expense it might be made navigable to Attock.

Occasional trips have been made by steamers in the rains as far as the military dépôt at Jhelum; and although the results of the surveys of the other streams cannot be said to be encouraging, there is no doubt that internal navigation may be extended much further within the Punjab than has yet been attempted.

Pegu Rivers and
Channels.

101. Immediately after the occupation of the province of Pegu, half of the steam flotilla upon the Ganges was transferred to the Irrawaddy; and it forms now the great vehicle for trade, and for the conveyance of supplies between the frontier and the sea.

This

This province is peculiarly adapted for the services of river steamers, and it is to be hoped that the flotilla will be largely increased.

Already a project has been laid before the Honourable Court for removing the obstacles which impede a free navigation between the Bassein River and the Irrawaddy.

Surveys have been made in the hopes of finding the means of opening a similarly free channel between the Pegu River and the River Sitang.

During last year there was discovered an excellent channel through the creeks, which gives a passage, perfectly safe and open at all times, between Bassein and Rangoon.

A creek already exists between the River Sitang and the River Salween, in the neighbourhood of Beling, which, it is stated, might at small expense be made navigable throughout the year.

If, therefore, the channel which has been surveyed between the Sitang and the Pegu Rivers should be formed, a continuous line of internal navigation, open at all seasons of the year, will be available for river steamers throughout the whole breadth of the Eastern Provinces, from the port at the mouth of the Bassein River to the anchorage at Moulmein.

102. The necessity for the employment of regular means of communication throughout the province of Assam upon the stream of the River Burrampooter, has long been increasingly felt. It has lately been resolved to place upon that river such portion of the Government flotilla upon the Ganges as can from time to time be spared from more urgent duties; and application has been made to the Honourable Court for additional steamers to be employed upon the Burrampooter. River Burrampooter.

103. Examination has been made of the stream of the River Nerbudda. The report, which has been published of the result of the examination, affords little hope that the Nerbudda will ever be rendered a navigable river for purposes of trade. River Nerbudda.

104. A survey of the River Godavery upon the opposite coast has given a result of much more hopeful aspect. River Godavery.

Although I do not concur with those who hold that, if the streams of the Godavery and of its tributary the Wyngunga should be made navigable at all seasons, the cotton trade of Berar and Nagpore would be transported by this channel to the sea, notwithstanding the construction of a railway between those districts and Bombay; yet I am fully alive to the importance of opening this great inland navigation, if it be possible, for general purposes of communication and trade. The Government of India, therefore, has given full sanction to the prosecution, with proper caution, of the extensive operations which the nature of the river channel, so far as it is yet known, seems to render indispensable, before the Godavery can be made a navigable stream.

105. Besides the measures which have been taken in regard to navigable rivers, the means of internal navigation have been considerably increased during the last eight years by the completion of various navigation canals. Navigable Canals.

The works of the great Ganges Canal and of the Baree Doab Canals, both of which will be available for navigation, have already been noticed.

In the Madras Presidency considerable improvements and extensions have been made in the channel of Cochrane's Canal.

A canal has been constructed to connect the ports of Porto Novo and Cuddalore in the district of South Arcot.

In connexion with this work, sanction has been given to the construction of a canal along the eastern coast between the Rivers Adyar and Palar. The general importance of this work to the country is very great. It is capable of being prolonged from Palar to Cuddalore, where it would join the new canal from Porto Novo, which again is connected with the line of water communication between Coimbatore and the sea coast through the province of Tanjore. Thus a long line of inland navigation would ultimately be established with great benefit to the country.

In the budget of the year 1855-56 further proposals were made for extending the several lines of internal navigation, at an expense of not less than 15 lakhs of rupees; and they have been recommended for the approval of the Honourable Court.

- Improvement of ports. 106. The value of all such channels of inland navigation as lead to the sea, must of course be greatly dependent upon the condition of the ports at which they respectively terminate. The public records will show that the improvement of ports of shipment has not been lost sight of.
- Port of Calcutta. 107. The access to the port of Calcutta, for a great part of the immense trade which flows to it from Bengal and other provinces, lay through the Soonderbunds, which were connected with the Hooghly by two canals. These have been enlarged and deepened.
The accommodation in the port of Calcutta for the increasing number of ships which of late years have resorted to it, has been considerably augmented.
- River Mutlah. 108. Some alarm having been generally felt that the navigation of the Hooghly was gradually and yearly deteriorating, and that there was some risk of the loss of the port of Calcutta by the silting up of the channel, an inquiry was directed to be made.
It was conducted with great deliberation and care, and the Report is now before the Government.
In order to meet the wishes of those who desired that precautions should be taken to meet the evil which they believed to be approaching, renewed examination was made of the River Mutlah, a channel in the Soonderbunds lying to the eastward, and navigable for the largest ships to within 25 miles of Calcutta. The result of the examination was satisfactory.
An experiment has lately been tried of lading a ship in the Mutlah. The stream has been buoyed by the Government; the advice of the Government officers has been given; and every other assistance has been afforded to those who have been turning their attention to the new channel.
It may be added that, before any steps were taken which could draw attention to the possible future importance of the Mutlah, I took the precaution of purchasing on behalf of Government, and for an inconsiderable sum, the large estate which occupied the site where the new port must be placed if the trade should be diverted to the Mutlah Channel.
As a further measure of improvement for the port of Calcutta, a project has been entertained for throwing a bridge across the River Hooghly. Boring operations have already been commenced; and the subject, in all its parts, is now under consideration.
- Port of Bombay. 109. The accommodation of the harbour of Bombay has been improved by the addition and extension of piers, and by the recovery of Moodie Bay, at a large expense, from the sea; whereby ground for a railway terminus, a custom-house, basin, &c., will be obtained, and much additional space will be secured.
The works which have been sanctioned for bringing a supply of water into the island of Bombay, may properly be included among the improvements of its port. A lake is to be formed at Vehar, on the island of Salsette, by bunding up the stream which flows from the hills in that vicinity.
For this great work the Government has consented to advance 25 lakhs of rupees, secured by an increase of the house assessment in the island of Bombay.
- Port of Kurachee. 110. The harbour of Kurachee has also been much improved. Until of late the harbour was supposed to be inaccessible during the monsoon. Its accessibility at that season has now been fully proved, and communication with Bombay and all other quarters will continue uninterrupted throughout the year.
- Ports in Madras. 111. Measures have been recommended for the improvement of the harbours of Coringa and Coconada.
- Port of Singapore. 112. Complaints having frequently been made of the unprotected state of the harbour of Singapore, heavy batteries have been constructed, to an extent which the military engineers have considered to be amply sufficient for the ordinary defence of the port.
- Ports of Rangoon and Dalhousie. 113. Lights, buoys and pilots have been provided for the port of Rangoon, and provision is now being made for the new port of Dalhousie, on the Bassein River.
- Lighthouse on Alguada Reef. 114. As a measure of the utmost importance to the trade with these ports and with Moulmein, the construction of a lighthouse upon the Alguada reef to the southward

southward of Cape Negrais has been strongly recommended to the Honourable Court.

The ports of the Indian territories are comparatively few in number, and for the most part of little natural value.

The statement now given will show that the Government of India, during these years, has at least endeavoured to turn them to the best account.

115. I have only to add, that a new code of rules for the regulation and conservancy of Indian ports has lately been passed into law. It was much required, and will be of great value to the interests of navigation and trade. Port rules.

116. It remains for me to advert to those works of improvement, by which the land communications of the country have during the last eight years been opened up and amended. Land communications in India.

117. The introduction into India of the greatest improvement which man's invention has yet applied to the means of movement and carriage by land, namely, the locomotive engine upon iron rails, has already been fully narrated. Railways.

118. It would be impossible to compress within the limits I wish to observe, an enumeration of all the works which have been executed or sanctioned by the Government of India for the improvement of inland communication by means of ordinary roads, during the past eight years. I shall notice merely a few of the leading lines. Roads.

119. The Grand Trunk Road, which had, speaking generally, been completed as far as Delhi, has been carried on without interruption. Grand trunk road in Hindoostan.

In the Lower Provinces many large bridges have been constructed; but it must unfortunately be added, that several have been destroyed by the force of floods; and their place must again be supplied.

Until a bridge shall be built across the River Soane, a formidable work, whose accomplishment must still be regarded as remote, the passage of the river will present vexatious difficulties, and cause excessive delay. To obviate these, as far as may be possible, the Government is engaged in laying down a causeway of stone across the river bed. This work, though but a temporary expedient, will be productive in the meantime of great public benefit.

Without imputing blame in any quarter, it must be observed, that during these years the progress that has been made in the Trunk Road between Delhi and the Sutlej appears to have been slow. The difficulties, however, have been great; and the road is now approaching to completion.

120. When the Punjab became a British province, the prolongation of the Grand Trunk Road across its breadth was seen to be an object of primary importance. Accordingly, the line has been carried from Loodianah by Jullunder to the Beas, and thence by Umritsur to Lahore; and from Lahore, by Wuzeerabad, Jhelum, Rawulpindee, and Attock, to Peshawur. Grand trunk road in Punjab.

Every natural difficulty that can be conceived has been encountered. Vast expense has been incurred. But the road is rapidly approaching to completion, and by its usefulness will repay a thousand-fold the labour and the treasure it has cost.

121. Sanction has been given to the construction of a road from Patna by Gya to join the line of the Grand Trunk Road. This is perhaps the most important cross road in the Lower Provinces; and the traffic upon the line of country is said to be exceedingly great. The present line will form an essential branch of the Grand Trunk Road; and when the railway shall have been constructed on the Patna and Mirzapore line, the road will become of still greater importance as a feeder to the railway. Road to Patna and Gya.

122. A road, available at all seasons of the year, has been formed from Cuttack to Ungool and Sumbulpore, and has usefully opened up that wild tract of country. Road to Sumbulpore.

123. A line of the utmost importance has been constructed from Dacca to Akyab. Road from Dacca to Akyab.

An improved communication with the province of Arracan had long been much required. But when political necessity compelled the Government to take possession of Pegu, it became an object of vital importance to the Government

to be able to command the means of communicating with Pegu by land; so that it might have the power at all times of despatching troops from Bengal to Pegu, for reinforcement or in relief, without being obstructed by the sepoy's conditions of enlistment, which entitled him to refuse to proceed on service by sea.

The work has been very costly, and attended with serious difficulty from the pestilential climate of much of the country through which it passes.

Iron ferry-boats have been provided to facilitate the passage of troops across the rivers which lie in the way.

From Akyab to a point beyond the island of Ramree the troops will be conveyed by an inland creek navigation, which has been carefully examined and arranged. From this point the troops will cross the Tounghoop Pass into Pegu, by a road which will be particularly noticed hereafter.

Road from Calcutta to Dacca.

124. A project for a road from Calcutta to Dacca, there to join the Dacca and Akyab road, which has just been described, was called for. But the natural difficulties between Jessore and Dacca appeared, for the present at least, to be insuperable.

Bengal district roads.

125. With respect to district roads, the Government of India has consented that the ferry funds of the Lower Provinces and the tolls levied on the Nuddeea Rivers and in the Calcutta Canals, amounting in all to about 5 lakhs of rupees a year, should be thrown together as a fund for the construction and maintenance of district roads.

The distribution of the funds will be made by the local Government, on the principle that no district road shall be formed from the fund until due provision shall have been made for its maintenance by means of local resources.

Roads in Punjab.

126. In the province of the Punjab, besides the Great Trunk Road from Lahore to Peshawur, to which reference has already been made, a vast extent of road has been constructed during the last seven years, for every different purpose, military, commercial and local. To enumerate them would be tedious. A full description of them will be found in the First and Second Punjab Reports, and more especially in the Punjab Road Report, all of which have been printed.

Roads in Pegu.

127. In Pegu the difficulties which impede the formation of roads are similar to those which render the construction of them in a permanent form almost impossible in Bengal.

Excepting the road from Prome to Meeaday, no continuous line has yet been executed in the new province. But surveys have been executed for three great lines of road :

1st, from Rangoon to Prome.

2d, from Rangoon, by Pegu, to Tounghoo.

3d, from Martaban, by Sitang and Shoeygheen, to Tounghoo.

The impediments to be overcome on all these lines are very serious; the cost will be excessive. Nevertheless, it is to be hoped that they will be undertaken with vigour, and prosecuted to a successful conclusion. Their effect will be incalculably great.

Roads in Hyderabad and Nagpore.

128. In the new provinces of Nagpore and Hyderabad, the impossibility of providing a full establishment of engineers at present has prevented any general plan of public works being formed.

Roads in Scinde.

129. In Scinde a complete system of roads from Kurachee to the northern boundary was proposed by the Commissioner. They will be executed gradually, but as speedily as the necessary agency for their construction can be found.

Roads in Madras and Bombay.

130. The principal systems of roads which have been projected within our new provinces, and some other leading works, have now been enumerated. I abstain from mentioning in detail the roads which have been sanctioned in the Presidencies of Madras and Bombay. For, although the returns before me show that those roads are exceedingly numerous, and that, in the aggregate, their cost amounts to an enormous sum, the aggregate is made up of so many single items, which, though of great local importance, are of little general interest, that the recital of them would be tedious, and of no obvious profit for any purpose.

Hindoostan and Thibet Road.

131. Two important works have been reserved for separate notice, by reason of the peculiarity of their situation, and of the circumstances under which they have been

been carried on with singular success. I refer to the mountain roads in the Himalaya, and in the Yomah Range of Arracan.

The Hindoostan and Thibet road, when it shall have been completed, will (as its name imparts) connect the plains of Hindoostan with the frontier of Thibet. A full and most interesting report upon this road has been prepared by Lieutenant Briggs, the officer who has borne the chief part in constructing it. The report will shortly be published. All description of the road in this paper shall, therefore, be confined to the merest outline.

The work had its origin in the desire entertained by the Government to abolish, and to remove all pretext for defending, Begaree (or the system of employing the forced labour of coolies) in the hills. So far as the Government was concerned, that system had the sanction of treaties; for every chief was bound, whenever he should be called upon, to find upon his own part bands of labourers for the temporary service of the state.

The Government has always remunerated amply the coolies who were so employed, for the time they served. But the money was usually in great measure taken from them by their own chiefs on their return. They were forced to travel great distances; and in many ways they suffered oppression from the duty.

The abuse of the system by private individuals was believed to be great, though every endeavour upon the part of the Government was steadily made to check it.

Yet the evil of the system itself was unavoidable by any means. So long as the hill roads, even to the English settlements and military stations, continued to be little better than mountain paths, no other labour than that of men could transport whatever was to be carried, and no substitute for Begaree could be found. The first step, therefore, and the only step necessary for the abolition of Begaree, was to construct a system of roads which would admit of all articles being carried upon beasts of burden, or even dragged in wheeled conveyances of various kinds.

For the furtherance of this purpose, a road, first designed by Major Kennedy and executed by Lieutenant Briggs, has been constructed from the plains at Kalka to the hill station of Simla. It is about fifty miles in length. It is already 16 feet in breadth, and has nowhere a steeper gradient than 3 feet in 100, constituting a hardly perceptible rise.

From this road branches have been carried to the military stations at Kussowlee and Subathoo; and a branch is now being made to connect those stations with the plains towards the Sutlej.

Before long, the distance from Simla to Kalka will be considerably shortened by a tunnel which is now being formed, and wheeled carriages will be placed upon the road.

From Simla, the station most remote from the plains, the road towards Thibet, has been formed, as yet, on a smaller scale, and it is still incomplete.

In many portions of its length from Simla to the valley of Chini, which is its present terminus, the road is finished to a breadth of six feet, and is generally used. It is easy to conceive the obstacles which must be met and overcome among the valleys, and forests, and cliffs of the mighty ranges of the Himalayas, for the right formation through the midst of them of a road which is everywhere to conform to the gradient already mentioned of 3 in every 100 feet; nor can rapid progress be expected. But the difficulties are yielding one by one. The greatest difficulty of all, namely, scarcity of labour, admits of no remedy, for labour from the plains is, for such a purpose, of little value in the hills. Nevertheless a steady progress has been made.

Within a year I trust that the completion of the road to Chini will enable the Government to try an experiment which I have long had much at heart, but which, until the road should be completed, could not be carried into execution—I mean the establishment of a convalescent station for sick European soldiers in the valley of Chini.

Medical testimony and personal experience combine to encourage the belief to which I strongly hold, that such an institution would be productive of sanitary benefits for the European soldiers of the army in India, such as no hill station in the Himalayas has yet been found to give, and such as would indirectly produce essential advantage for the state.

When, too, the road shall be completed to Chini, and still more when it shall be carried as far as the frontier of Thibet, it may be expected that the form of

trade which now shows every article conveyed in a little pack upon the shoulders of a goat, will disappear, and that the commerce with Thibet will assume, both in quantity and value, the considerable proportions which all who are well informed upon the subject have anticipated for it.

Above all, I trust that, whenever the completion of the road shall afford the means of traversing the hills as readily as the plains, Begaree, both for public and private purposes, will be abolished; that recurrence to it under any pretext will be prohibited; and that the treaty right of the Government will be reserved solely for times of war, or for such great occasion of public emergency as, I trust, may never arise.

Thus the construction of this hill road will become a lasting blessing to the people of the hills, as it is even already a lasting honour to the government of the East India Company, by one of whose many able and energetic officers it has been mainly carried into execution.

Road over Yomah Range, in Arracan.

132. The construction of the hill road over the Tounghoop Pass from Arracan into Pegu, arose out of the necessity which occupation of the new province had created for direct military communication by land with the Presidency of Bengal.

With great difficulty and labour, a hundred and fifty elephants had forced their way over the mountains and through the forest in 1852, to aid the operations of the army at Prome. The natural obstacles were very great. The mountains were lofty, the forests dense, and the climate, for a large portion of the year, pestilential. There was little water to be found; and no labour was procurable except that of Burman villagers, disinclined to toil of any kind, and afraid to commit themselves to our service.

These difficulties seemed at first to make the formation within a reasonable time of a road across the Yomah Range almost a desperate hope. Nevertheless, the vigour and perseverance and remarkable tact of Lieutenant Forlong, the officer to whom the work was committed, overcame every obstacle with a speed which far outran our liveliest hopes.

The range was everywhere surveyed: a line of road was found: Burmese labourers were collected; were trained to the peculiar work; were induced to submit to organization, and even roused to emulation and effectual industry.

It was not until the end of December 1853 that the work was fairly commenced. In the spring of 1855, the Arracan Battalion, with all its baggage and followers, marched over the road from Prome to the sea.

The road is now rapidly approaching to completion.

In the Arracan section, 20 miles are opened for carts to 15 feet of breadth, and 30 miles to a breadth of from six to nine feet. In the Pegu section, 21 miles in the plains have been completed to a width of 24 feet, and 22 bridges have been built. In the mountains on the Pegu side, 20 miles have been opened for carts to a breadth of from 12 to 20 feet, and 24 miles from 6 to 10 feet.

Arrangements have been made for shelter and for water; and the 8th Regiment of Irregular Cavalry are just about to march over the road.

If due regard be had to the difficulties which stood in the way of such an undertaking, and which have already been adverted to; and if it be remembered that the working season in the Yomah Hills lasts only from December to April, if so long, and that consequently the working year is no more than five months in duration; the Honourable Court will feel that the construction of the Arracan hill road by Lieutenant Forlong, under the circumstances and with the speed and success that have been described, is an achievement which is highly honourable to himself and to the service of the East India Company.

Aggregate annual expenditure on public works in India.

133. Lest, in my anxiety to avoid an enumeration of single works which might prove tedious and uninteresting, I should create upon the minds of those who may read this Minute, an impression, that the attention and the revenue which have been devoted by the Supreme Government to the prosecution of public works in India of late years have been less in amount than has sometimes been supposed, I beg to recall to recollection the aggregate sum which has yearly, of late, been expended on public works in India.

The charges on account of public works in the year 1853-54 rose to 252½ lakhs, or 2,525,000 £.

The charges on account of public works for the year 1854-55 rose still higher, to 299¾ lakhs, or very nearly 3,000,000 £. sterling.

Of

Of this aggregate sum, in each year, a very large proportion was expended on new works.

The charge for extraordinary public works alone, in the year 1855-56, is estimated at 224½ lakhs, or nearly 2,250,000 £ sterling.

The simple statement of these figures affords the means to all of forming at once an estimate of the real extent to which the Government of India, in recent years, has carried the execution of public works, designed for the improvement of the Indian territories.

134. While the Government of India has thus been earnest in its endeavours to urge the prosecution of new works of public advantage, it has not neglected to take due measures for the preservation of the magnificent works of former times. Ancient works.

The attention of the Government having been drawn to the fact that the noble arches and other remains of ancient architecture in the immediate vicinity of the Kootub at Delhie were in such disrepair, that there was danger of their falling in, and of their being thus lost to the world, immediate orders were given for their preservation.

At the same time general instructions were issued to the officers of Government, declaring the desire of the Governor-general in Council that all such interesting and instructive monuments of former people and former days should be carefully preserved; and that the executive officers at Agra, Delhie, and wherever such remains are to be found, should consider it to be a part of their duty to see that they were upheld and sedulously cared for.

Similar orders have been issued in the Punjab, with especial reference to the buildings there, soon after our occupation of the province.

It is hoped that these injunctions, and the care of the civil authorities and of the departmental officers at each spot where architectural monuments remain, will be effectual for their preservation to still distant times.

135. For the proper superintendence and control of operations so extensive and so various as those which are required for the execution of public works in India, it is manifest that an organization of the highest order must be requisite. Reform of Department of Public Works.

The system of management which existed in 1848, and continued for some years afterwards, was altogether ineffective. It gave dissatisfaction to all alike; to the officers of the department, to the Government, and to the public. The same dissatisfaction was felt by the Honourable Court, who six years ago directed that a commission should be appointed at each Presidency to inquire into the whole subject.

The commission which was appointed in the Presidency of Bengal reported decidedly and unanimously against the system which had been pursued by the Military Board, and suggested the general outline of a scheme for the future management of the Department of Public Works.

The principal features of the scheme proposed were these :—

1st. That the control of the department should be taken from the Military Board, and should be vested in a chief engineer for each local government.

2d. That each local government should exercise control over public works, civil and military, within their respective jurisdictions, under certain prescribed limitations.

3d. That the chief engineers should be assisted, as at present, by executive engineers; and where the province was of sufficient extent, by superintending engineers also.

4th. That the executive officers should be relieved in respect to the departmental accounts by which they had been overwhelmed.

This system was ultimately adopted for the Presidency of Bengal and for its local governments. It was subsequently introduced into the Presidency of Madras and the Presidency of Bombay, with such modifications of detail as were necessary to adapt it to the peculiarities of each local government.

The experience which has been had as yet gives every encouragement to believe that, as a whole, the system now adopted is calculated to fulfil the purposes for which it was framed.

Annual Budget of
Public Works.

136. Under the orders of the Honourable Court of Directors, each local government has been directed to prepare for the Government of India, at a fixed period in each year, a statement showing the public works which it proposes to commence or to carry on during the year to which the statement refers. This statement, which has insensibly acquired the designation of "Budget," is intended to show every class of public works which is proposed or in progress in each local jurisdiction. Its object is to impart method to the prosecution of public works, and to enable the Supreme Government and the Honourable Court to acquire an accurate knowledge of the extent to which public works are being carried on in the different divisions of the empire, to regulate the expense which is to be incurred, and to control the general management and progress of public works throughout the country.

The budgets, reviewed and decided upon by the Government of India so far as its authority extends, are to be annually submitted to the Honourable Court.

Local sanction to
Public Works.

137. With reference to the power of giving sanction to public works without reference to the Honourable Court, it may be observed, that the authority of the Governor-general in Council now extends to the sanction of any work whose cost will not exceed one lakh of rupees; and that the authority of Governors and Lieutenant-governors is extended to grants of 25,000 rupees.

Secretary in De-
partment of Public
Works.

138. The Government of India having thus been required to exercise a direct and vigilant control over the execution of public works in India, it became absolutely necessary that it should have professional assistance, to enable it fitly to perform that duty. Formerly it was wholly without any such aid. Latterly, and since the commencement of railways, it had become the practice for the Government to refer the engineering questions of every sort which came before it to its railway consulting engineer. This, however, was only a temporary expedient, hardly fair to the consulting engineer, and quite insufficient for the state of things which had now arisen.

Accordingly, a secretary for the department of public works, with two assistants, has been appointed in connexion with the Government of India.

The secretariat of public works has already become a charge of great labour and of the utmost public importance.

Establishment of
Department of
Public Works.

139. It will be readily perceived that when there has been so great an increase of public works of late years, there must have been by some means a great addition made to the agency by which those works were to be executed. This has been the case.

Military officers have been withdrawn for this purpose from their regimental duties in the artillery and in the line, in large and unprecedented numbers.

The expedient is advantageous to the present interests of the officers, and it affords a material relief to the present necessities of the Government; but there seems good reason for apprehending that it will after a time prove deeply injurious to the military efficiency of the army. It is to be hoped, therefore, that the experiment will be treated in all hands as a temporary one.

Her Majesty's Government gave, some time since, their consent to a certain small proportion of the officers of royal regiments in India being employed in the Department of Public Works.

Further, an augmentation has been granted by the Honourable Court to the engineer corps in each of the three Presidencies.

Lastly, the Honourable Court has consented to the employment of civil engineers in the Indian Department, many of whom have been engaged in this country, while a considerable number have already arrived from England. Still further recourse must be had to this source of supply, if (as I earnestly hope) the execution of public works of improvement in India is to be followed up by the Government in future years, with steady perseverance and with unabated vigour.

Training of officers
for Department of
Public Works.

140. Simultaneously with the great exertions which have been made during these years to obtain from every various quarter a present supply of officers for the Public Works Department, active means have been taken to form what, it is hoped, will prove a fruitful source of supply hereafter.

Thomason Col-
lege at Roorkee.

141. It was the far-seeing sagacity of Mr. Thomason which first anticipated the necessity of training engineers in the country itself in which they were to be employed,

employed, and which first suggested an effectual method of doing so. On his recommendation, the Civil Engineering College at Roorkee, which now rightly bears his honoured name, was founded with the consent of the Honourable Court. It has already been enlarged and extended greatly beyond its original limits.

Instruction is given in it to soldiers preparing for subordinate employment in the Public Works Department, to young gentlemen not in the service of Government, and to natives, upon certain conditions.

A higher class for commissioned officers of the army was created some years ago, at the suggestion of the late Sir Charles Napier; and the Government has been most ready to consent to officers obtaining leave to study there, as in the senior department at Sandhurst.

Excellent fruit has already been borne by this institution. Many good public servants have already been sent forth into the department; and applications for the services of students of the Thomason College were, before long, received from other local governments.

142. A similar College for civil engineering has lately been founded at Calcutta; another is in process of formation at Madras; and a third has been sanctioned in the Presidency of Bombay. Civil Engineering Colleges at Calcutta, Madras, and Bombay.

143. Subsidiary to the colleges, there has been temporarily sanctioned a civil engineering class at Lahore, and, very recently, a civil engineering class at Poona. Civil Engineering classes at Lahore and Poona.

144. In all these institutions, the object will be to provide instruction, which shall supply its due training to every separate class required for the service of the Government in its department of Public Works. Object of Civil Engineering Colleges.

Hitherto comparatively little has been done in India towards creating within itself the engineering skill, which is now becoming one of its most urgent wants. But with such aids in prospect as those which have just been described, we may now look hopefully to the future.

145. Having thus concluded a recital of the measures which have been taken of late years for the prosecution of material improvements in India, it will not be out of place to make mention here of the progress that has been made during those same years towards the removal of certain noted evils, which have long been just causes of national reproach, and which have been viewed with considerable interest even by the community in England. The noted evils to which I refer are Suttee, Thuggee, Female Infanticide, and the Meriah Sacrifice. Noted evils in India.

146. The prohibition of suttee by the British Government is now a familiar tale. In the time of those who preceded me, great progress had been made in persuading all native princes to unite in denouncing the rite, and in punishing those who should disregard the prohibition. Suttee.

The Government of India, since 1848, has had only to follow up the measures of preceding years.

When suttee has occurred in an independent state, no opportunity of remonstrating has been lost. When it has occurred in any district which was within our control, no indulgence has been shown to the culprits.

Thus, renewed remonstrances have been addressed to Ulwar, Beeckaneer and Oodeypore; but in Doongurpore, a petty state under our direct management, where a thakoor's son took part in a suttee, the son and two brahmins who abetted his crime, were condemned to imprisonment for three years in irons; while the thakoor himself, for the same three years, was mulcted in half the revenue of his possessions.

The performance of the rite of suttee is now a rare occurrence, either in Mahomedan or native states.

147. Thuggee has become almost unknown in the provinces of India which lie to the eastward of the Sutlej. The detective establishments of the Government are still maintained; but the brotherhood has disappeared, and the crime of thuggee, in the peculiar sense in which the word is familiarly understood, can hardly now be said to exist. Thuggee.

The provinces beyond the Sutlej are excepted in the preceding paragraphs, because it appeared, towards the close of 1851, that thuggee, which it was previously supposed had never passed to the westward of the Sutlej, had obtained a footing in the Punjab. The Board of Administration, however, were able to

state in 1852, that "the Punjabee thugs are not so dangerous as their brethren of Hindoostan. The origin of the crime is comparatively of recent date. These thugs have none of the subtle sagacity, the insidious perseverance, the religious faith, the dark superstition, the sacred ceremonies, the peculiar dialect, the mysterious bond of union, which so terribly distinguish the Indian thugs; they are merely an organised body of highwaymen and murderers, rude, ferocious and desperate. They nearly all belong to one class of Sikhs, and that the lowest."*

In 1854, the Chief Commissioner of the Punjab was able to report to the Government regarding thuggee, that "during 1852, the last year in which the crime had any chance of making head, there were only 35 murders. Since that year the crime would appear to be almost extinct. During 1853 there was only one murder reported."

Wherefore even in its last refuge, the provinces across the Sutlej, while they were still under the dominion of the Sikhs, the crime of thuggee can hardly now be said to exist. In truth, the only aspect in which thugs can now be seen in India, is that of a well-conducted community at Jubbulpore, where the former approvers of the tribe, together with their relatives and their descendants, are kept under inspection, and where they form a quiet and prosperous colony, remarkable only for the industry which they exhibit, and for the excellence of the fabrics produced by their hands, fabrics which have taken their place in the great Exhibitions of London and of Paris, and which are said to have done no discredit there to the manufacturing skill of Indian nations.

Female infanticide.

148. The existence of the practice of female infanticide among the Rajpoots and other tribes of India has long been well known. The British Government has long striven against it, and denounced the cruelty of those by whom it was countenanced.

A great success regarding it was achieved, some years since, within the provinces of Hindoostan, by the energy and influence of Mr. Charles Raikes; and large numbers of native tribes and families were then induced to set their faces against it.

But the greatest triumph which has yet been accomplished has been within the Punjab.

Inquiry had shown that the Rajpoots, the Bedees (or descendants of Nanuck), the Khutrees of the Sind Doabs, and even the Suddozye Pathans, the Mahomedan tribes of Mooltan, and the wandering pastoral races in the central wastes of the Punjab, were all more or less addicted to this inhuman custom. The causes which led to it were found to be twofold, "pride of birth and pride of purse; that is, parents murder their infant daughters, either because they cannot afford the marriage expenditure which must one day be incurred on their account, or because they foresee difficulties in marrying them suitably."†

Great exertions were made by all the officers in the Punjab, among whom Mr. Raikes was now included.

On their recommendation, the Governor-general in Council authorised the convening of a great meeting of the representatives of all the tribes, at Umritsur, in 1853.

The meeting was held, and the assembled delegates united cordially in the adoption and promulgation of certain rules, the observance of which would effectually secure that no man should feel any real difficulty in providing for his daughter in marriage, and should consequently have no motive for the commission of infanticide.

These rules were adopted in the other districts of the Punjab; and Maharajah Golab Sing, in like manner, voluntarily and in public durbar adopted the rules for the great Rajpoot clan within his dominions.

If, as the Chief Commissioner has remarked, "future success should crown these initiatory measures, then in some respects a social revolution will have been effected. Not only will a barbarous and secret crime have ceased, but endless abuses connected with the betrothal will be repressed, domestic morality improved, and the female position secured."‡

149. It

* First Report, para. 187.

† Second Punjab Report, para. 171.

‡ Ibid., para., 177.

149. It only remains to notice the measures that have been taken for the suppression of Meriah sacrifice.

This horrible rite, which consisted in the sacrifice, with every circumstance of atrocity, of young human victims, for the propitiation of the special divinity which presided over the fertility of the earth, prevails only among the hill and jungle tribes of the province of Orissa. Measures for the suppression of the rite had been undertaken before the year 1848. They have been steadily pursued in subsequent years. The nature of the country, the nature of the climate, the nature of the people, all was adverse to success. Nevertheless, the exertions of the officers to whom the duty was entrusted have been singularly successful. Multitudes of victims during that time have been rescued from the horrible fate that awaited them, and have been settled in villages within our control. The various tribes have, one by one, consented to abandon the rite; and from the narrative given in the papers which were published upon this subject by the Government, it does not appear over-sanguine to anticipate, that as regards the tribes which are at all subject to our influence or lie within our reach, the Meriah sacrifice may be considered to be at an end.

150. If large improvements have been made under the various departments of civil administration during the last eight years, the military branch of the service has received its full measure of attention and amendment.

Improvements in the military service of the Honourable Company. European soldier.

151. The position of the native soldier in India has long been such as to leave hardly any circumstance of his condition in need of improvement.

The condition of the European soldier, on the other hand, was susceptible of great improvement, and has received it liberally. His terms of service, his food, his lodging, have all been bettered during these years; and infinitely greater care than heretofore has been bestowed upon his occupation, his recreation, and his health.

The regiments in Her Majesty's service, no longer condemned to the prolonged banishment to which they were formerly subject, are to be relieved every 12 years.

The rations of the European soldiers have been greatly improved.

Strict rules have been laid down to insure that the rations should be of proper quality; and, as a further security, a victualling serjeant has been attached to European corps.

The pernicious system under which a morning dram was served out to every soldier before his breakfast has been abolished.

The use of spirits at all by the soldier has been discouraged to the utmost.

To that end malt liquor is annually imported from England in enormous quantities by the Government, and is served out to the troops at reasonable rates. The benefits which are likely to arise from the introduction of this change cannot be estimated too highly.

In like manner, to remove from the soldier temptations to excess under which he lay before, the system, which prevails in Her Majesty's army of paying the troops daily, has been extended to the troops of the Honourable Company.

The lodging of the soldier has been greatly improved, and no nation can show better or more appropriate quarters for its troops than the Government now provides for European soldiers in the East.

No barrack in the plains is now built with less than 24 feet of height within. All are raised from the ground; and every appliance for cleanliness, ventilation, and healthiness, which experience has suggested or ingenuity can devise, is introduced into the buildings.

At Peshawur and in the hills, the height of the barracks has been adapted to the colder nature of the climate, at the wish of the military authorities themselves.

Within eight years new barracks have been built, or are being built, at Peshawur, Noushera, Rawulpindee, Seealkote, Lahore, Rangoon, and Thayetmyo.

Old barracks have been replaced, or are being replaced, by new buildings at Ferozepore, Subathoo, Kussowlee, Umballa, Agra, Cawnpore, Fort William, Moulmein, and Hyderabad in the Deccan.

In every case, as a general rule, separate barracks are built for the married men of every regiment.

Proper provision for washing and cleanliness has been made in all the new plans; and of late, reading-rooms have been included in the design for each barrack.

The scanty comforts of the soldier within his quarters have also been increased. Punkhas are hung in every barrack, as in a private house.

In the colder provinces additional bed-covering is now issued, and a certain proportion of fuel is allowed.

A chest, too, is provided for every man at his bedside by the Government, and canvas bags are supplied for the conveyance of his baggage when marching, instead of the cumbrous wooden boxes which the men dragged with them from station to station when they were their own property.

Lastly, it has been ordered, that wherever means can be found, swimming-baths shall be constructed for the European soldiers at every station.

For the instruction of soldiers and their children, books and stationery and furniture for regimental schools are now supplied by the Government. Further, a Normal school for training schoolmasters (non-commissioned officers or privates) has been attached to the Lawrence Asylum.

For the recreation of the soldiers, and for encouraging them to useful occupations, soldiers' gardens have in some stations been already formed, and it is intended that a soldiers' garden should form a part of every cantonment in which European troops are quartered.

Worksheds also have been authorised in connexion with every barrack; and implements and materials for different kinds of handicraft are to be provided by the Government.

For the encouragement of the class of non-commissioned officers, it has been ordered, that annuities, not exceeding 20*l.*, should, as in Her Majesty's service, be granted to serjeants of the Honourable Company's armies, as rewards for distinguished or meritorious services.

More especially of late years, solicitous care has been shown for the preservation and for the restoration of the health of the European soldier.

Measures have been taken for the early despatch by steam to the Upper Provinces of all recruits who arrive from England; and the departure of the invalids of every season has been facilitated and expedited by making use of the Indus route.

Sanitaria.

152. The temporary barracks run up at Subathoo and Kussowlee are now being replaced by buildings of the best description. At Dugshaie, magnificent barracks have already been built. Three full regiments, therefore, may now be quartered on the hills near Simla.

A few years ago the only convalescent depôt for European troops was at Landour, above Mussoorie.

A second depôt was subsequently formed at Darjeeling, for the use of the troops in the Lower Provinces.

The great benefit which was derived from these sanitary depôts led speedily to an increase in their number.

A depôt has accordingly been formed at Murree, above Rawulpindee. Another has been sanctioned in the Chumba Hills, at the head of the Baree Doab. Another is being built at Dhurumsala, near Kangra; and a site has been selected for another in the hills not far from Nynee Tal.

Care of cadets.

153. Much inconvenience having been felt from the tardy system which had been followed in the posting of cadets, rules were laid down for expediting the posting. At the same time measures were adopted for insuring the speedy conveyance of all such young officers to the regiments to which they had severally been posted.

Knowledge of native languages by officers of the army

154. Encouragement was held out to all officers of the army to acquire a high knowledge of the native languages, by the grant of pecuniary rewards to those who should pass examinations of a certain specified standard.

In order to insure that at least a competent knowledge of the native languages should be possessed by those appointed to staff office, or to any detached charge, every officer was required to pass a prescribed examination in Hindoostanee.

All officers already holding such appointment, who did not pass the examination by a certain date, were remanded to their regiments.

To

To correct the uncertainty which prevailed in the application of this rule, a fixed standard of proficiency was laid down; and the qualifications of candidates are no longer decided by Station Committees, but by Examiners in Calcutta.

155. The evils inseparable from a seniority system had long been felt in the advanced age, and consequently the frequent incapacity, of officers who succeeded in their turn to commands of divisions and brigades in the Indian army. The Government of India at length found it necessary to interfere. The Government declared, that while the claims of seniority in the appointment of officers to divisional and brigade commands should always be allowed due weight, they should be less deferred to than heretofore. The Government further declared, that in making such appointments the governing principle should not be the rejection of no man unless he were notoriously and scandalously incapable, but rather the selection of no man, whatever his standing, unless he was confessedly capable and efficient.

Seniority no longer allowed to determine appointments to command.

The Supreme Government has done its utmost to act up to this principle in all appointments made since the time at which it was promulgated.

156. The more recent regulations which have been laid down by the Home Authorities have tended materially to promote the wholesome end of placing high commands in the hands of such officers only as are still in the full vigour of their mental and bodily powers.

Recent regulations for promotion in England.

Those regulations are a fit subject of congratulation for all who feel an interest in the welfare and efficiency of the Indian army.

157. The Indian army, however, has still higher cause for congratulating itself on the gracious favour which the Sovereign has lately shown towards it, in raising its officers from the derogatory position in which they have hitherto stood, and in granting to them the recognition, which until now has been denied to them, of their military rank in every part of the British dominions, and throughout the world.

Rank conceded to officers of the Indian army wherever they may be.

158. The recital of what the Government of the Honourable Company has done during the last eight years for the officers and soldiers of the army who serve in India, cannot be more appropriately closed than by making mention of the care it has shown for the orphan children of those who have been attached to its service.

Military Orphan School.

In the belief that the climate of Bengal was enervating and injurious to the health of the children of the Military Orphan School, who have hitherto been collected in an institution at Calcutta, the Government resolved to move the Lower Orphan School to the climate of the hills, and to attach it there to the Lawrence Asylum.

This benevolent resolution has been carried into effect: with what benefit to the health and vigour of the children, can be fully appreciated only by those who have seen the aspect of the European children in Bengal, and have been able to contrast it with the ruddy, stout, English appearance of those who from an early age have had the Lawrence Asylum and its mountain climate as their constant home.

159. Since the year 1848 nearly every department connected with the military branch of the service has been revised and amended.

Revision of Military Departments.

At the commencement of the period above mentioned, and long previously, the control over these several departments had been committed chiefly to the Military Board.

The constitution of the Board itself was faulty; and the duties which had been imposed upon it were more onerous than could have been well performed by any Board, even if its organization had been good. The department of Public Works, the Commissariat Department, the Stud Department, the Ordnance Department, with many other duties, all were managed by the Military Board; and all were managed badly.

The withdrawal of the Department of Public Works from the control of the Military Board, and the reasons for the measure, have already been narrated in a preceding paragraph.

160. A Commissioner was appointed to inquire into the system of army commissariat in Bengal.

Commissariat Department.

The result of the inquiry led to the immediate withdrawal of the Commissariat Department also from the control of the Military Board. Effect was again given

to the principle of individual responsibility and individual authority; and the control of the Commissariat Department was intrusted to the officer at its head, the Commissary-General of the Army.

Various amendments of detail were introduced. Great care has been taken in the selection of officers for the department; and a rule has been laid down that no officer shall be confirmed in his appointment, until he shall have proved his fitness by passing a searching examination, after a due period of probation.

The account branch of the department, which was its weakest point, has been strengthened and completely reformed, by the appointment of a separate officer of audit.

Another vital change has been effected by requiring the abolition of Persian accounts, and by insisting on the rendering of all accounts at once in English. The success of this change has been complete; and its effects are already strikingly apparent in the prompt rendering of every monthly statement, followed by an equally prompt audit.

The substitution of hired cattle for the use of the Government, in lieu of animals bred and maintained by the Government itself, was a change hardly less important than that which has just before been noted.

Though the measure is described in a single sentence, it has given a large permanent saving to the Government; while it has preserved full efficiency in the public carriage of the army.

The effect of these several changes has been, I sincerely believe, to render the Commissariat Department of the army as effective for peace or war, as that of the best organised among the armies of Europe.

Stud Department. 161. The efficiency of the principle of unity of authority and unity of responsibility having thus been recognised, it was speedily extended to other departments.

At the suggestion of the Honourable Court itself, the Stud Department was withdrawn from the control of the Military Board, and was placed under a single head, the Superintendent of Studs.

This department was also subjected to the scrutiny of a commission.

Various changes were suggested in the report; some of which have already been effected, while others must of necessity be gradually introduced.

Ordnance Department. 162. Lastly, the Ordnance Commissariat Department, with powder manufactories, gun-foundry, and gun-carriage agency, was taken from the Military Board, and was placed under the charge of a single officer, the Inspector-General of Ordnance.

Abolition of Military Board. 163. These great changes having been completed, the Military Board of the Bengal army was abolished.

The same measure will be carried into effect in the other Presidencies, doubtless without undue delay.

Military Prisons. 164. Two other measures connected with military affairs still remain to be noticed.

It had long been known that the punishment of transportation was not viewed with apprehension by the European soldiers serving in India. On the contrary, it has seemed in many instances to be regarded rather as an advantage to a convict who should be sent from India. The risk of transportation, therefore, had ceased to deter men from crime.

In order to correct this great evil, the Government, at the recommendation of the military authorities, has resolved to build a general military prison, where soldiers now annually condemned to transportation, may be imprisoned for the long terms to which they may be sentenced.

It is hoped that this measure will check the grave and growing evil which has already been noticed.

Clothing Department. 165. A great military reform has been effected in the re-organization of the Clothing Department of the Indian army.

Proceeding on the report of a commission appointed to inquire into the working of the former system, the Government of India, with the sanction of the Honourable Court, wholly abolished the Off-reckoning Fund.

From the 1st January 1855, the clothing of the army has been provided by the state. A fixed sum, calculated on the average of the off-reckoning shares for the preceding 21 years, will be paid to colonels of regiments, instead of then

their former shares of the Off-reckoning Fund. The Clothing Board has been dissolved, and the department has been placed under a Superintendent of army clothing alone.

By this measure the system of clothing the army was freed from many influences calculated to prove injurious to it; great and mischievous delays have been avoided; and the senior officers of the army have been relieved from a position which was frequently and plausibly made a matter of reproach against them.

In effecting this reform, the Government of the Honourable Company anticipated the act of the Imperial Government, by whom a similar reform in regard to the clothing of the royal army was determined upon, not long after it had been adopted in India.

166. The Ecclesiastical and the Medical Establishments of the Government being technically attached to the military branch of the public service, they have not been referred to until now. Ecclesiastical Es-
tablishment.

The Ecclesiastical Establishment has been largely increased during the last eight years, to meet the additional call for religious instruction which has been created by the formation of many new stations in the several provinces which have been added to the empire.

The Court has also given its sanction to the occasional employment of other clergymen, not being in the service of the Honourable Company, where chaplains on the establishment may not be available.

167. The proper provision of places of worship for the servants and soldiers of the Government has been established on a liberal and sure footing. In every case in which a place of Protestant worship is required, the Government undertakes to provide one, properly adapted to the purpose, but of the plainest and simplest form. The Government at the same time expects that the community which is to worship therein shall recognise its own obligations, by contributing such sums as shall suffice to meet the charge of giving to the building the ornament and architectural form which befit its sacred character. Provision of Pro-
testant places of
worship.

Under this rule, churches have been sanctioned at Peshawur, Rawulpindee, Murree, Scealkote, Meean, Meer, Lahore, Simla, Rangoon, Thayet-Myo, Toung-hoo, Hyderabad (in Sind), and other places.

168. For the servants of the Government belonging to the Roman Catholic Church most liberal provision has likewise been made. Provision of
Roman Catholic
places of worship.

The Government has already recognised their claim to obtain from the Government fitting places of worship, on the same conditions as their Protestant brethren.

169. Salaries have been granted to three Roman Catholic bishops, one in each Presidency, by whom certain duties connected with the business of the Government are performed. Further provision
for Roman
Catholics.

The salaries of the priests have been revised and augmented.

Separate burial grounds have been ordered to be set apart for members of the Roman Catholic Church; and every care has been taken by the Government to ensure that the clergy of that persuasion shall have no just cause to complain of want of due consideration, or of inequality of treatment.

170. In the medical department additional advantages have been granted by the Honourable Court to natives who apply themselves to the study of the medical profession, by the allotment of higher allowances than before to the class of sub-assistant surgeons. Medical Establish-
ment.

171. The establishment of dispensaries has, probably, been productive of a larger amount of material benefit to the population of India than any other institution which we have introduced among them. It is, therefore, satisfactory to be able to state, that during these years the number of dispensaries has been largely increased. Dispensaries.

172. The subject of vaccination, and the question of the best mode of defending the population against the dreadful scourge of small-pox, which commits such havoc among its dense masses, has occupied much of the attention of the Government. Some progress has been already made; and it is believed that Vaccination.

general and effectual measures for checking, if not for wholly counteracting, this great evil, will yet be devised.

Opening of Medical Service.

173. In 1853 admission to the medical service was thrown open to competition by all classes.

Already one native of India, Dr. Chuckerbutty, who had been educated in England some years before, has taken advantage of the opening created by Parliament, and has won for himself a commission as assistant-surgeon in the service of the Honourable Company.

Proposal for the improvement of the Medical Service.

174. Before resigning the Government of India, I submitted for the consideration of the Council proposals for the enlargement and the improvement of the medical service. The proposals met with the entire concurrence of the Council, and have been transmitted to England.

If they should receive the approval of the Honourable Court, and should be carried into effect, the medical service of the East India Company will then be second to none in the world.

Legislation.

175. During the years that have passed since 1848 the legislation of the Government of India has embraced a great variety of subjects, and has effected many amendments of the law. Some of these may be mentioned.

Acts relating to Criminal Justice and Police.

176. Under the head of Criminal Justice and Police, Acts have been passed for the more certain punishment of persons guilty of the crimes of thuggee and poisoning; of tampering with the army and navy, and of kidnapping and crimping.

Acts have also been passed for the punishment of ministerial and police officers guilty of corruption, and of public accountants guilty of default.

Counsel have been allowed by law to prisoners.

The branding of convicts has been abolished.

Provision has been made for the custody of criminal lunatics.

Better provision has been made for the trial of charges of misconduct brought against public officers.

On the other hand, protection has been given by law to public officers when acting in good faith.

Measures have been taken for the improvement of the administration of criminal justice, by defining the powers of the Nizamut Adawlut, by the appointment of deputy magistrates in Bombay, and by other minor alterations in all the Presidencies, especially by the concession of criminal powers to Moonsiffs.

Lastly, the power of the Government to grant pardons in all cases has been established by law.

Acts relating to Civil Justice and Procedure.

177. Under the head of Civil Justice and Procedure, Acts have been passed for extending the jurisdiction of Moonsiffs, and for improving the procedure in their courts.

The mode of procedure in regular and special appeals has been largely amended; and the jurisdiction of the Sudder Courts generally has been defined and improved.

A vast improvement has been made in the law of evidence, and in the mode of examining witnesses.

All judicial officers have been required to write their judgment at once in their own vernacular language.

Administrators-general have been appointed at all the Presidencies.

Lastly, Small Cause Courts of extended jurisdiction have been established.

Miscellaneous legislation.

178. The miscellaneous legislation of the Government of India during this period has been very extensive and various.

Among the principal Acts that may be mentioned, are the new Post-office Act; the Railway Act; the Electric Telegraph Act; the Law for the Regulation of Joint Stock Companies; the Mofussil Municipal Act; the Municipal and Conservancy Act for the Presidency Towns; the Acts for the Regulation of Native Emigration; the Law empowering the Government to levy Tolls on Roads and Bridges; the Law for the Education of Minors; the Indian Marriage Act; the Law for the Naturalization of Aliens; the Law rendering British Subjects liable to all duties and obligations incident to the occupation of Land; the Apprentice Act; and the Act for the Repeal of the Usury Laws.

179. Lastly,

179. Lastly, an Act has been passed for securing liberty of conscience, and for the protection of converts, and especially of Christian converts, against injury in respect of property or inheritance by reason of a change in their religious belief. Act for securing liberty of conscience.

180. The review which I proposed to take in this Minute of the events of the last eight years, and of the fruits they have produced, has now been brought to a close. No attempt has been made to embellish the narrative. It is for the most part a simple recital of what the Government of India has done. If the recital should seem dry in itself, it may be hoped that the results which it exhibits will not be thought by the Honourable Court to be unprofitable or disappointing. Conclusion.

One of the last, and not the least important, of those measures which have emanated from the Government of India during the past years, has been a resolution to require henceforth from the Government of every Presidency, from each Lieutenant-Governor, and from the chief officer of every province, an annual report, narrating the incidents that may have occurred during the year within their several jurisdictions, and stating the progress that may have been made, and all of moment that may have been done, in each principal department of the civil and military administration.

My parting hope and prayer for India is, that, in all time to come, these reports from the Presidencies and provinces under our rule may form, in each successive year, a happy record of peace, prosperity and progress.

28 February 1856.

(signed) *Dalhousie.*

E A S T I N D I A.

COPY of a MINUTE by the Marquis of *Dalhousie*,
dated the 28th day of February 1856, reviewing
his Administration in *India*, from January
1848 to March 1856.

(*Mr. Dandv Seymour.*)

Ordered, by the House of Commons, to be Printed,
30 May 1856.

POLICE (BENGAL PRESIDENCY).

RETURN to an Order of the Honourable The House of Commons,
dated 20 July 1857;—for,

A COPY “ of the DESPATCH from the Government of *India* to the Court
of Directors of the East India Company, dated the 14th day of May 1857,
with its several Inclosures, relating to the System of POLICE in the BENGAL
PRESIDENCY.”

India Board, }
20 July 1857. }

HENRY DANBY SEYMOUR.

(*Mr. Seymour.*)

Ordered, by The House of Commons, to be Printed,
21 July 1857.

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COPY of the DESPATCH from the Government of *India* to the Court of Directors of the East India Company, dated the 14th May 1857, with its several Inclosures, relating to the System of POLICE in the BENGAL PRESIDENCY.

— No. 1. —

LETTER from the Government of *India* to the Honourable Court of Directors of the East India Company.

Home Department, Judicial.—No. 18 of 1857.

Honourable Sirs,

1. WE have the honour to acknowledge the receipt of your despatch in the Judicial Department, No. 41, dated the 24th September 1856, relative to the reform of the police throughout the older provinces of India.

2. This despatch has been communicated to the local governments with a view to obtain their opinions on the several measures suggested by your Honourable Court. But as all the material questions of police and criminal justice relating to the Lower Provinces, where reform is most urgently needed, had already been under discussion, and as we had before us the recommendations of the Lieutenant-Governor of Bengal on all these questions, and as we are unanimously and decidedly of opinion that it is better to deal with each Presidency and Lieutenant-Governorship separately, according to its own wants, subject to those leading principles which should be common to all, than to endeavour to frame a general scheme for the whole of India, we have acted upon this opinion, and now submit our minutes, together with the previous correspondence, for your Honourable Court's early consideration and orders.

3. We are unanimously of opinion that the appointment of one superintendent of police for the whole of the Lower Provinces, is not expedient; and we consider the existing system of dividing the country into manageable tracts, consisting of four or five districts, and placing each district under the superintendence of a commissioner having authority in all executive departments, including the police, is the best which has yet been devised for India, and one which works well in Bengal, as well as elsewhere wherever it has been introduced. Our honourable colleague, Mr. Peacock, however, is of opinion that, though one superintendent of police for the whole of the Lower Provinces has been found insufficient, two, or at the most three, commissioners of police would be fully able to discharge the duties belonging to the office in the Regulation districts; and, as he considers the office of Commissioner of Revenue and Police in the Lower Provinces unnecessary, he proposes to abolish seven* out of the eight existing commissionerships, and to substitute two or three divisional Commissioners of Police.

4. We agree generally in the views expressed in the Right Honourable the Governor-General's Minute, as to the extent to which it is desirable that a military organisation should be given to the police of Bengal; and we think that a moveable corps of station guards, or military police, should be attached to each division, employed ordinarily in station and escort duties, but ready to assist the civil police in case of need.

5. Our opinions with regard to the proposal of the Lieutenant-Governor to increase the pay of the subordinate civil police will be found in the Minutes.

We

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India to the Court
of Directors.
14 May 1857.

* Patna, Bhagulpore, Bauleah, Dacca, Chittagong, Nuddea, Burdwan.

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Government of
India to the Court
of Directors.
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We agree generally in approving of this proposal so far as it goes. It will be for your Honourable Court to decide whether the further general increase in the pay of the darogahs, proposed by the Honourable Mr. Grant, is necessary.

6. As to the necessity of increasing the number of deputy magistrates, so as to provide for the closer supervision of the police darogahs, and supply a link in the chain of executive administration which in the North-western Provinces and in the Punjab is so efficiently supplied by the tehsildars, there is no difference of opinion. Even if it should be determined that this class of officers should be divested of all judicial power, it seems certain that their duties as supervising police officers could not properly be performed by a smaller number than that proposed in the Governor-General's Minute.

7. The union of the offices of magistrate and collector, in those districts of the Lower Provinces in which they had been disunited, was proposed by Lord Dalhousie as Governor of Bengal in 1854, but being objected to by the Honourable Mr. Grant in his Minute of the 23d November 1854, the question was referred to the Lieutenant-Governor for his opinion. The views of the Lieutenant-Governor, which are strongly in favour of the measure, were submitted on the 13th March 1855, and the question has since received full discussion in the Minutes, to which we must refer your Honourable Court for our several opinions. The Regulation Districts of the Lower Provinces, in which the two offices are held together, are noted on the margin.* Those in which they have been separated are—(1) Sarun, (2) Shahabad, (3) Patna; (4) Behar, (5) Tirhoot, (6) Monghyr, (7) Purneah, (8) Dinagepore, (9) Rungpore, (10) Rajshahye, (11) Mymensing, (12) Dacca, (13) Sylhet, (14) Tipperah, (15) Chittagong, (16) Backergunge, (17) Jessore, (18) Nuddea, (19) Moorshedabad, (20) 24-Pergunnahs, (21) Burdwan, (22) Hooghly, and (23) Midnapore.

8. With these brief observations, we submit the papers to your Honourable Court, and shall await the expression of your Honourable Court's views on the several points at issue before taking any further steps. We hope to be favoured with those views at an early date.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 14 May 1857.

No. 2.

Letter from the
Secretary to the
Government of
Bengal to C. Allen,
Esq.
28 April 1854.

— No. 2. —

LETTER from the Secretary to the Government of *Bengal* to *C. Allen*, Esq.,
Officiating Secretary to the Government of *India*, Home Department.

Judicial.—No. 924.

Sir,

Dated Fort William, the 28th April 1854.

1. I AM directed by the most noble the Governor of Bengal to request that you will lay before the Government of India the enclosed copy of a note prepared under his Lordship's instructions, with the following remarks.

2. During three of the six years that his Lordship has held the Government of India, the local administration of the Government of Bengal has also been in his hands. In those years some of the imperfections, which time had exposed in the frame of the local administration, have been amended. Parliament has lately supplied a remedy for that great deficiency, the effects of which pervaded the entire system, and was felt in every department of the administration—namely, the

* Bhaugulpore, Beerbhoom, Cuttack, Balasore, Pooree, Pubna, Malda, Bogra, Bullooah Fureedpore, Bankoora, Baraset, Chumparun.

the want of a Lieutenant-Governor, who should be able to devote the whole of his time and capacity to these Lower Provinces alone. There still remain a few conspicuous wants and errors, which his Lordship's experience in this Government has convinced him ought to be supplied and amended; and on which he wishes to submit recommendations to the Government of India before he lays his local authority down.

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3. The first of these errors is the separation of the offices of collector and magistrate, contrary to the system which formerly prevailed throughout the Presidency, and to that which still prevails in the Lieutenant-Governorship of the North-western Provinces.

4. It is unnecessary for his Lordship to consume space upon the record by tracing the mode in which this change was gradually established in the Lower Provinces, since the whole is fully and clearly detailed in the annexed note. It is manifest that, at the time when the change was proposed, the Governor-General, Lord Auckland, strongly doubted the expediency of the measure. It is equally manifest that the Honourable Court regarded the proposed change with disfavour, and it is quite certain, in his Lordship's judgment, that the misgivings which were thus expressed in 1836, of the expediency of the measure, were well founded, and that the separation of the two offices has been injurious to the character of the administration and to the interests of the people. For the result has been, that there is now in the Lower Provinces one class of officers, the collectors, of mature standing, highly paid, and with very little work; while there is another class, the magistrates, inadequately paid, with very heavy work, and without sufficient experience to enable them to do that work in such a manner as fully to command the confidence of the community, however zealous and active they may usually be.

5. These are mischievous evils in themselves. They are doubly mischievous, because they give colour to plausible denunciation of abuses alleged to exist equally in the revenue and judicial management of the East India Company, and lead a distant and ill-informed public in England to receive as startling truths all the outrageous exaggerations they hear or read about "Boy Judges" and idle collectors "shaking the Pagoda Tree."

6. The remedy for such evil as really exists in the present system is simple. It consists, as it seems to his Lordship, in re-uniting the offices of collector and of magistrate. The remedy seems to him to be not only simple but certain; for the additional experience of 17 years has amply tested the opinion expressed by the Lieutenant-Governor of the North-western Provinces in 1837, in favour of keeping these offices united, and has fully confirmed its accuracy.

7. The Governor, therefore, begs leave to recommend to the Government of India that steps should be taken for re-uniting the offices above mentioned, so that there shall be in the Lower Provinces, as in the North-western Provinces, one office of magistrate and collector, and one at least of joint magistrate and deputy collector in each district.

8. His Lordship recommends that this change in the form of administration should be made immediately, if the sanction of the higher authorities be given, whether the other errors which still remain to be noticed shall be corrected or not.

9. These errors are, the perpetual change of civil officers from one district to another, and from one branch of administration to another, and the great deficiency of gradual training, more especially for judicial functions.

10. Those who are acquainted with the details of the system are aware that some explanation may be given of what appears, to many, a total want of all training throughout its different branches. But when people, not acquainted with the details, are told that a young civil officer, after being for some time an assistant, when he is nothing in particular, is made a magistrate; that after a few years, quitting the magistracy for the revenue branch, he becomes a collector; that after a few more years his next step of promotion takes him from revenue duties, and makes him a judge; that if he be a man of ability he will probably, from a judgeship, be moved to the office of commissioner of revenue; and that the same ability will, in all probability, next promote him from a revenue commissioner-
missionership

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missionership back to the judicial bench in the Sudder Court,—when people hear that a civil officer thus oscillates through his whole career between executive and judicial duties, and that each step he gains is one which does not tend to fit him for the step that follows after—when people hear all this, what wonder can there be that the administrative system is condemned off-hand, and that all the evidence given in explanation before Committees of Parliament, and then buried deep in folio blue books, wholly fails to remove the ill impression that has been produced?

11. Most probably nothing will ever remove the prejudice so often shown, or silence the clamours of assailants who will never cease to attack. But there is in reality much room for amendment; and his Lordship thinks that the Government of India cannot too soon engage in the attempt.

12. It seems to his Lordship that the true theory of Indian government, such as has been partially followed with success in the North-western Provinces, and still more completely in the Non-regulation Districts, is the entire subjection of every civil officer in a division to the commissioner at the head of it, and the entire subjection of every executive officer in a district to its executive chief. Even as regards judicial officers, his Lordship is inclined to think that a great advantage is gained by placing them in all matters of an executive nature directly under the commissioner, just as the Sudder Court in its executive capacity is subordinate to the local Government, and by leaving them independent only as regards their judicial decisions.

13. Applying this view to the constitution of the civil service in the Regulation Provinces, it strikes his Lordship that the most effective plan of administration would be to equalise the salaries of the chief executive and judicial officers; and to place both in subordination to the commissioner. At the head of every district there would then be a chief executive officer, designated by the title either of magistrate and collector, or by any other more suitable appellation. He would have entire control over every department of the executive in his district, revenue, minor criminal justice, police, registration, public works, education, jail, &c. He would have under him a sufficient staff of covenanted and uncovenanted assistants, and he would be directly and entirely responsible to the commissioner. In one or more districts there would also be an European judge on the same salary as that of a magistrate and collector, charged with the superintendence and administration of civil and criminal justice as at present, responsible to the Sudder Court, but liable to have his executive arrangements inspected, and his supervision over the inferior judges controlled by the commissioner. In every district there would be one or more covenanted assistants (including joint magistrates and deputy collectors) who would be at the disposal of the executive chief, but available for employment under the judge for some portion, say two days, of the week, either as assessors, or assistant judges, in the trial of cases before a full mofussil bench, or in the trial of small original suits, within the jurisdiction of a moonsiff. The assistants would thus gain experience in every department both judicial and executive; they would rise as they became qualified to the superior grade equivalent to that of joint magistrate and deputy collector; and at the end of ten or twelve years' apprenticeship, they would be eligible for independent and responsible employment as either judicial or executive head of a district. They would in this manner be qualified by previous experience for either department, and the choice would be made by Government with due advertence to the qualifications of each officer. Those who showed a preference and a fitness for judicial employ would become judges, and those who preferred executive duty would become magistrates and collectors.

14. The destination and employment of an officer being thus once fixed, there would be no further change either from office to office, or from district to district, until a civil servant became qualified by standing for a commissionership, and consequently the average time during which the executive and judicial administration of each district remained in the same hands would be about ten or twelve years, instead of less than half that time as at present. It is probable that commissioners would ordinarily be selected from among those who had taken the executive line of the service, but the power of the Government to select a commissioner from among the judges should by no means be restricted. So in like manner the selection of judges for the Sudder Court would ordinarily be from
among

among those who had followed the judicial line of the service, but it would be of most mischievous effect to tie the hands of Government and prevent it from selecting a man of great ability for the Sudder bench from among the officers of the executive branch. The early training of civilians in all departments would afford the technical experience necessary for the discharge of high functions in either department, and individual ability would supply the rest.

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15. Supposing it determined that the salaries of the judges on the one hand, and the magistrates and collectors on the other, are to be equalised, it would then have to be considered what the amount of their salaries is to be. And this question will have to be considered with reference to what is proper and what is practicable; for, on the one hand, his Lordship would not propose any increase in the aggregate expense of the present establishment, and on the other, he thinks it of much importance to fix and maintain the salaries of the officers vested with the highest judicial and executive authority in each district at as high a rate as the present limits of expenditure will allow. After much consideration his Lordship is disposed to think that the salary now given to magistrates and collectors in the North-western Provinces is the best and most convenient standard to take, and he apprehends that this standard, combined with a re-arrangement of the inferior salaries, will be found on the whole to attain, in the least objectionable manner, the objects above referred to, without any positive material deduction in numbers, and with a very material increase in efficiency by means of a better disposition of the force at command.

16. His Lordship is anxious at the same time to get rid of the intermediate scale of 18,000 rupees a year now attached to a few offices under this Government. This intermediate scale gives rise to much inconvenience in practice, for every member of the service who enjoys a salary of 1,000 rupees a month expects to be promoted in his turn to a salary of 1,500 rupees a month, and again to a salary of 2,000 rupees a month; and as there are only seven offices on the intermediate salary, and promotion goes at the rate of about seven steps a year, it follows that, under ordinary circumstances, no man can remain in one of these offices for more than a year, and the inconvenience can only be remedied, and that not always, by making a nominal transfer to the substantive appointment and keeping a junior officer acting in it.

17. The present establishment is as follows:—

26 Judges	-	-	-	-	-	at Rs. 30,000	-	Rs. 7,80,000
3 Magistrates and Collectors	-	-	-	-	-	„ 28,000	-	„ 84,000
23 Collectors	-	-	-	-	-	„ 23,000	-	„ 5,29,000
3 Collectors	-	-	-	-	-	„ 18,000	-	„ 54,000
1 Magistrate	-	-	-	-	-	„ 28,000	-	„ 28,000
25 Magistrates	-	-	-	-	-	„ 10,800	-	„ 2,70,000
4 Joint Magistrates and Deputy Collectors						„ 18,000	-	„ 72,000
4 Joint Magistrates and Deputy Collectors						„ 12,000	-	„ 48,000
11 Joint Magistrates and Deputy Collectors						„ 8,400	-	„ 92,400
100								Rs. 19,57,400

The establishment his Lordship would propose would be as follows:—

26 Judges	-	-	-	-	-	at Rs. 27,000	-	Rs. 7,02,000
30 Magistrates and Collectors	-	-	-	-	-	„ 27,000	-	„ 8,10,000
22 Joint Magistrates and Deputy Collectors						„ 12,000	-	„ 2,64,000
21 Joint Magistrates and Deputy Collectors						„ 8,400	-	„ 1,76,400
								19,52,400

With a special allowance of Rs. 3,000 a year for the Judge and the Magistrate and Collector of the 24-Pergunnahs, on account of the expense of a residence at the Presidency -

6,000
Rs. 19,58,400

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18. This scheme, the details of which are more fully shown in the tables annexed to the enclosed note, would practically recognise only three grades of salary, viz., 700 rupees a month, 1,000 rupees a month, and 2,250 rupees a month. The aggregate expense would be the same as at present, and in respect to details it is only necessary to observe that at Pubna and Noakolly, where the work is fully equal to that of an ordinary district, the office is raised from that of a joint magistrate and deputy collector on 18,000 to a magistrate and collector on 27,000, while on the other hand Maldah and Bogra, where the work is much less, are reduced from 18,000 rupees to 12,000 rupees a year. Supposing the Court of Directors to recruit the civil service, as they have been requested to do, so as to provide one assistant for each district, to the number of thirty-seven, a civilian under this scheme would obtain his first promotion in about five or six years after leaving college, he would rise to 1,000 rupees a month in about four years more, and at about 13 or 14 years' standing, when at the age of 33 or 34, and full of experience in every department of civil administration, he would have to take his choice either of the executive or judicial line, and there remain in ordinary course to the end of his career; and those selected for higher employment would hardly have had to serve in independent charge of a district in one department or the other for less than six or seven years.

19. To that part of the above scheme which goes to equalise the salaries of the judicial and executive chiefs of districts, an objection will perhaps be made, weak in itself, and more so as compared with the advantage of fixing a civilian's career at a comparatively early period of his service, but one which will carry weight to some minds accustomed to the present constitution of the service. This supposed objection is, that an appeal lies from the magistrate to the judge, and that the judge may frequently be a man of much less age and experience, as well as less ability, than the magistrate. As regards ability, matters will remain very much as they are at present, and in other respects his Lordship thinks that, apart from the general objection to appeals from one individual judgment to another individual judgment, it signifies little what may be the relative ages and general experience of the original and appellate judges, provided that it be the special business of the latter to weigh evidence and decide cases undisturbed by the distractions of executive detail. Moreover, his Lordship hopes that the time is not far distant when all criminal, as well as other judicial appeals will be heard before a bench of judges of whom the civilian judge will be only one of the members.

20. The Governor does not, however, press the immediate introduction of this change with the same urgency as he has pressed the union of the offices of magistrate and collector. It will be necessary to consider it well, and to refer it to other divisions of the Presidency. He begs leave, however, to recommend it to the early and favourable consideration of the Government of India.

21. The measures now suggested for improving the judicial branch of the administration will still be imperfect in his Lordship's opinion, unless some provision be made for counteracting the tendency which now exists to draw all the ablest men among the judges to be commissioners of revenue, a step which leads too frequently, but necessarily, to the judges of the Sudder Court being usually selected from among the commissioners of revenue. The only mode of counteracting this tendency is by raising the salaries of a certain number of the judges to an equality with the salaries of the commissioner, so that a man of ability, well qualified for the discharge of judicial duties, may be retained in the judicial branch without the loss of salary and promotion, in which such a measure on the part of the Government must now involve him.

22. Having already alluded to this subject in the Home Department of the Government of India, his Lordship will not dwell upon it now, but reserves it for the consideration of the Governor-General in Council.

I have, &c.,
(signed) Cecil Beadon,
Secretary to the Government of Bengal.

— No. 3. —

NOTE by the Secretary to the Government of Bengal.

Dated 3 December, 1853.

No. 3.
Note by the
Secretary to the
Government of
Bengal.
3 Dec. 1853.

THE Most Noble the Governor having been satisfied of the disadvantages attending the present constitution of the office of superintendent of police, and having recommended to the Government of India its abolition, and the retransfer of its duties to the revenue commissioners, the next question for consideration as respects the civil executive administration of these provinces, is that of reuniting the offices of magistrate and collector in one person.

Union of the office of magistrate and collector.

General control of Commissioners over all departments.

Employment of assistants in judicial as well as executive duties.

Equalisation of the salary of judges with that of magistrates and collectors.

General recasting of district, executive, and judicial salaries.

2. Previous to 1836, and for some time afterwards, the two offices were united in Bengal, as they are to this day in the North-western Provinces. In 1836 a committee was appointed to take into consideration the state of the police in these provinces, and among other measures they recommended that the offices of magistrate and collector should be separated.

The arguments used by the committee in support of this recommendation were the following:—

First.—That since the union of the office of magistrate with that of collector (it had formerly been joined with that of judge), the encouragement which had excited zeal and activity in the police, by making the office of magistrate the principal channel to distinction, had been transferred to the revenue department, and that the police had accordingly come to be considered a matter of secondary importance.

Second.—That when two functions are united in one officer, that portion of his duties is neglected in which the Government for the time being takes the least interest; and as the Government cannot wait for its revenue, the police consequently is, and then actually was, neglected.

Third.—That men of sufficient standing in the service to be magistrates and collectors are not so active as a superintending police officer ought to be, and that the joint magistrates were either not trusted by their superiors, or if trusted, would work much better on their own responsibility.

Fourth.—That in the permanently settled provinces, where the collector has little communication with the agricultural community but what renders him unpopular, the advantage that might be derived from the conjoined influence and greater experience, was counterbalanced by greater inconveniences.

Fifth.—The collectors are apt to call in the police to aid fiscal operations, and that therefore it is necessary that their proceeding should be checked by a separate authority in the district.

Sixth.—That by the separation of the two offices, the attention of each officer would be less distracted by conflicting duties; that each would be responsible for his own department; and that no idle or incompetent person could then be long tolerated in either situation.

3. The Governor of Bengal (Lord Auckland) addressing the Honourable Court of Directors, in 1837, on the subject, observed as follows: “The question of gradually separating the office of magistrate from the collectorships of the several districts of the Bengal presidency is now under my earnest deliberation. It is one of great difficulty, not merely on financial considerations, but with reference to the very doubtful points whether, in the present state of the covenanted service, a judge, a magistrate, and a collector, of adequate ability, could be allotted to each district in the Lower Provinces, until, at any rate, existing operations under the resumption laws be brought to a close; and secondly, whether, the small number of highly competent functionaries of grades below the judicial Bench being taken into account, the police would, on the whole, be benefited by a division of labour which would assign a large proportion

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of those best qualified to administer it with effect to the revenue branch of the service exclusively."

4. But, previous to this, the recommendation of the Committee had been acted on in special instances; the offices had been disunited as vacancies occurred, in Patna, Moorshedabad, Midnapore, Burdwan; and an intention was expressed of adopting the same course in other specified districts where the duties were particularly heavy, though the Government was entirely opposed to a precipitate change of system.

5. The Honourable Court replied to Lord Auckland's despatch in 1838, and observed as follows:—

"The merits of the question are well stated in the proceedings before us. In favour of the separation, is the increased attention to the duties now joined together, which it would render practicable. We do not find it alleged by you that the office of magistrate has been made subservient to that of collector, and we trust, that, in point of principle, the union of the two has not from experience been found liable to that fatal objection. It has, however, sometimes been regarded as an advantage, when the two offices were separate, that, in point of fact, their respective amlahs operated as a check on each other. Against these advantages have justly been set the objections, first, of increased expense, and secondly, of the inadequacy of the service to supply men of superior qualifications for exclusive employment in each of the two capacities. It may be added that a native establishment devoted altogether to the duties of police, and under the direction of a European officer solely occupied with the same duties, would be more apt, either from over zeal, or from corrupt motives, to harass the people by petty or unfounded charges, or by unnecessary summonses for attendance, than public servants connected with them by other relations also, and enabled to gain credit with their superiors for the exercise of other functions not of a vexatious nature. On the whole, we concur in the opinion to which Lord Auckland seems inclined, that there are not sufficient grounds for a general change of the established system (always in itself to be avoided unless the grounds for it be strong and unquestionable), but at the same time we admit that, under particular circumstances, the separation of the office of magistrate from that of collector may be found advisable, or even necessary, as you have already decided it to be, at Patna, Moorshedabad, Midnapore, and Burdwan."

6. About the same time the local Government, addressing the Sudder Court in reply to their report on the criminal administration for 1836, observed:—

"The Governor apprehends indeed that the Court have regarded the subject rather in the abstract, than with reference either to the general strength of the service or to the demands of other departments upon the agency at the command of Government. Under the old system, only two substantive officers, a judge and magistrate, and a collector, were required in each district, but whenever the magistracy is now separated from the collectorship, three must be supplied; and his Lordship considers it to be extremely doubtful whether, under the most favourable circumstances, three competent officers could be afforded to each of the 25 districts of the Lower Provinces, in addition to which the Court recommend that the magisterial and fiscal duties should be committed to separate hands in the subordinate districts of Pubna and Furreedpore. But whatever might be done in ordinary times, the efforts which are now being made for the improvement of the public resources from the land revenue, throughout the Lower Provinces, render it indispensable to the interests alike of the Government and of the community, that the department, upon the flourishing condition of which every measure of improvement, whether of the police or of civil justice, is absolutely dependent, should be administered, whilst such important operations are in progress, by none but highly efficient officers, and the due enforcement of the resumption laws, which had fallen into almost total abeyance, and which could be effected only by a division of labour, demands, at present, the services of not less than 12 very competent officers."

7. The opinion of the Lieutenant-Governor of the North-western Provinces, on the general question, as recorded in his proceedings in the Judicial Criminal Department, for the 2d quarter of 1837, was, that the union of the offices was beneficial to the happiness of the people and the efficiency of the public administration,

nistration, and that the separation of the offices “tended to produce discord among the public functionaries, and a divided administration to the people, who are dragged different ways by the two authorities, and know not to which they can look for justice and protection; but that in an union of the offices, the knowledge which a collector necessarily has, or ought to have, of the people must greatly aid his efficiency in his capacity of magistrate.”

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8. Still the progress of separation went on gradually in the Lower Provinces, until, in 1845, matters stood as at present, that is to say, the magisterial and fiscal offices were disunited everywhere except in the three districts of Cuttack, and in the independent joint magistracies of Pubna, Malda, Bogra, Bulloah, Fureedpore, Bancoora, Baraset, and Chumparun. The salaries of the separated collectors have been uniformly fixed at 23,000 rupees a year, except in Bhaugulpore, Monghyr, and Beerbhoom, where they are 18,000 rupees. But the salaries of magistrates which it was intended at the time of separation should be in two grades, of 18,000 and 12,000 rupees, have been reduced by orders from home to 10,800 rupees.

9. The experience of the past 15 years has led many to the conclusion, that without gaining anything by the change,—for the isolated cases of effective police administration are not more numerous now than they were before,—we have reaped all the evils which Lord Auckland and the Court of Directors foresaw when yielding a reluctant assent to the separation of the two offices. We have suffered a grievous loss of power by maintaining a separate class of collectors, charged with special duties insufficient to occupy their time, and yet inhibited from rendering assistance to the other great branch of executive Government; and we have a class of magistrates overworked, underpaid, with limited experience, energetic and zealous, it is true, but commonly wanting in the discretion which is only gained by experience, and frequently so young as not to command the respect of either the native or European community, and to afford a plausible pretext for the vulgar objection urged against the Government of employing boy-magistrates.

10. The collection of the land revenue of these provinces and the duties connected with it, with a few exceptions here and there, has become a matter of such routine as not to furnish a sufficient quantity of suitable employment for a highly-paid collector, whose chief duty is the control and supervision of subordinates, while the mode in which the revenue is paid, that is to say, directly into the Government treasury at the Sudder station, without the intervention of a tahsildar or any intermediate officer, leaves the collector neither the means of becoming acquainted with the people of his district through others, nor any inducement to associate with, and become accessible to them himself. On the other hand, the personal influence which the collector undoubtedly possesses, and always must possess, especially among the zemindars of a district, and which, as an adjunct to the authority of the magistrate, might be made most useful to the State, is now in the majority of cases allowed to remain barren, and has occasionally, though I hope rarely, been used to thwart the proceedings of the magistrate.

11. Even if it were in the power of the Government to command the agency requisite for a thoroughly efficient though separate administration of land revenue and police, I should greatly question the wisdom of separating functions, the joint exercise of which, whatever may be said to the contrary, is in India not only not incompatible or objectionable, but positively conducive to the highest efficiency of administration in both departments; and in the absence of such agency, the wisdom of reverting to the old arrangement, which still subsists in the North-western Provinces and Cuttack, seems to me incontrovertible. Under the present system, our magistrates vary from eleven to five years' standing in the service. During that period, when between twenty-five and thirty-one years of age, they are charged with the preservation of peace and order, and with the security of life and property throughout large districts, the real representatives of the character and authority of Government in the eyes of the people, without any official superior at hand to control and guide them, or any but private and irresponsible advice to depend upon; and when at the age of thirty-one their experience is matured, and they have arrived at a period of life when the physical and intellectual powers are together in full vigour, they are transferred

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to another department of the service, for the special duties of which they have had little training, and that almost forgotten, and where their time is insufficiently occupied, and their energies rust until their turn comes for promotion to the judicial bench.

12. I do not understand how any weight could ever have been given to the argument for disuniting the offices of magistrate and collector, founded upon the presumption that collectors might call in the police to aid them in fiscal operations. Perhaps it is a sufficient answer to say that in the North-western Provinces, where the danger, if it be not altogether chimerical, is far more imminent than in Bengal, the union of the two offices is productive of no such mischievous result. But when the amount of every man's dues is known,—when the law provides ample process for their realisation,—and when the civil courts and an appeal to the local commissioner afford due security against abuse of power, even if there were any motive to resort to it, the apprehension of such abuse may have formed a pretext, but could never have been a real reason, for the measure.

13. The chief duties of covenanted English officers in this country are those of superintendence and control. Such duties are best and most effectually exercised for the common weal when centred in one authority within a given tract of country. The principle which holds good of a local governor in the presidency he governs, holds equally good of a commissioner within his division, and of a magistrate and collector (or, as he would more properly be called, a deputy commissioner) within his district; and the principle is capable of further advantageous extension to local subdivisions of convenient extent, like tahsildaries in the North-western Provinces, or those under deputy magistrates and collectors in Bengal.

14. The only separation of functions which is really desirable is that of the executive and judicial, the one being a check upon the other; and if the office of magistrate and collector be reconstituted on its former footing, I think it will have to be considered whether the powers of a criminal judge now vested in the magistrate, extending to three years' imprisonment with labour in irons, might not be properly curtailed,—whether the magistrates should not be required to make over the greater portion of their judicial duties to qualified subordinates, devoting their own attention chiefly to police matters and the general executive management of their districts,—and whether the moonsiffs, under an improved and simplified code of civil procedure, might not be charged with the trial and decision of summary suits for arrears of rent.

15. If there should appear sufficient ground in the foregoing observations to justify and require a departure from the existing practice, and a return to the footing on which the executive administration of the Regulation Provinces under this Government stood in 1836, aided materially by other improvements subsequently introduced, and now in the course of introduction, I think the opportunity may well be taken to revise the whole system by which promotion in the civil service is now regulated, and to remove, as far as possible and desirable, the reproach which now attaches to the Government on account of the frequent change of officers from one office to another, and from one district to another, and to set apart more completely than at present a portion of the service for the exclusive discharge of judicial duties.

16. It has always appeared to me that the further we have departed from the Indian system of centring all executive control within a given tract of country in the hands of one man, the more we have weakened our hands, and frittered away the administrative force which, centred in one responsible officer, can be far better and more effectually exercised for the protection and improvement of society than when, under the specious argument of a division of labour, the same force is divided between two independent and frequently antagonistic departments.

17. It seems to me that the true theory of Indian government, such as has been partially followed with success in the North-western Provinces, and still more completely in our Non-regulation Districts, is the entire subjection of every civil officer in a division to the commissioner at the head of it, and the entire subjection of every officer in a district to its executive chief. Even as regards
judicial

judicial officers, I am satisfied that a great advantage is gained by placing them in all matters of an executive nature directly under the commissioner, just as the Sudder Court in its executive capacity is subordinate to the local Government, and leaving them independent only as regards their judicial decisions.

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18. Applying this view to the constitution of the civil service in our Regulation Provinces, it strikes me that the most effective plan of administration would be to equalise the salaries of the chief executive and judicial officers, and place both in subordination to the commissioner. At the head of every district there should be a chief executive officer, designated by the title either of magistrate and collector, or by any other more suitable appellation. He should have entire control over every department of the executive in his district, revenue, minor criminal justice, police, registration, public works, education, jail, &c. He should have under him a sufficient staff of covenanted and uncovenanted assistants, and he should be directly and entirely responsible to the commissioner. In one or more districts there should also be an European judge, on the same salary as that of a magistrate and collector, charged with the superintendence and administration of civil and criminal justice as at present, responsible to the Sudder Court, but liable to have his executive arrangements inspected, and his supervision over the inferior judges controlled by the commissioner. In every district there should be one or more covenanted assistants (including joint-magistrates and deputy-collectors), who should be at the disposal of the executive chief, but available for employment under the judge for two days in the week, either as assessors or assistant judges, in the trial of cases before a full mofussil bench, or in the trial of small original suits within the jurisdiction of a moonsiff. The assistants would thus gain experience in every department both judicial and executive; they would rise as qualified to the superior grade, equivalent to that of joint-magistrate and deputy-collector, and at the end of ten or twelve years' apprenticeship they would be eligible for independent and responsible employment, as either judicial or executive head of a district. They would in this manner be qualified by previous experience for either department, and the choice would be made by Government with due advertence to the qualifications of each officer. Those who showed a preference and a fitness for judicial employ would become judges, and those who preferred executive duty would become magistrates and collectors.

19. The destination and employment of an officer being thus once fixed, there would be no further change, either from office to office or from district to district, until a civil servant became qualified by standing for a commissionership, and consequently the average time during which the executive and judicial administration of each district remained in the same hands would be about 10 or 12 years, instead of less than half that time as at present. It is probable that commissioners would ordinarily be selected from among those who had taken the executive line of the service; but the power of the Government to select a commissioner from among the judges, should by no means be restricted. So in like manner the selection of judges for the Sudder Court would ordinarily be from among those who had followed the judicial line of the service; but it would be of most mischievous effect to tie the hands of Government, and prevent it from selecting a man of great ability for the Sudder Bench from among the officers of the executive branch. The early training of civilians in all departments will afford the technical experience necessary for the discharge of high functions in either department, and individual ability will supply the rest.

20. It may be said, that to place the judicial line on perfect equality with the executive line, there should be four or five judges on salaries equal to the salary of a commissioner, with which judges of the highest ability and reputation, who would otherwise aspire to a commissionership, might be rewarded. But the functions of a commissioner are of such high importance, and it is so paramount an object of Government to obtain the services of the ablest men for those situations, that the creation of an inducement to prevent judicial officers from taking commissionerships, seems to me a measure of doubtful expediency. It must also be remembered that the number of judges being smaller than the

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number of magistrates and collectors (26 to 30), the number of prizes at the head of the judicial branch ought to be less in proportion.

21. Supposing it be determined that the salaries of the judges on the one hand, and the magistrates and collectors on the other, shall be equalised, it will then have to be considered what the amount of their salaries is to be. And this question will have to be considered with reference to what is proper and what is practicable; for, on the one hand, I do not apprehend that any increase in the expense of the present establishment will be thought of, and on the other, it certainly is advisable to fix and maintain the salaries of the officers, vested with the highest judicial and executive authority in each district, at as high a rate as the present limits of expenditure will allow. After much consideration, I have come to the conclusion that the salary now given to magistrates and collectors in the North-western Provinces, is the best and most convenient standard to take; and I think that this standard, combined with a re-arrangement of the inferior salaries, will be found on the whole to attain in the least objectionable manner the objects above referred to, without any positive material deduction in numbers, and with a very material increase in efficiency, by means of a better disposition of the force at command. I am anxious at the same time to get rid of the intermediate scale of 18,000 rupees a year, now attached to a few offices under this Government. This intermediate scale gives rise to much inconvenience in practice, for every member of the service who enjoys a salary of 1,000 rupees a month expects to be promoted in his turn to a salary of 1,500 rupees a month and again to a salary of 2,000 rupees a month; and as there are only seven offices on the intermediate salary, and promotion goes at the rate of about seven steps a year, it follows that under ordinary circumstances no man can remain in one of these offices for more than a year, and the inconvenience can only be remedied, and that not always, by making a nominal transfer to the substantive appointment, and keeping a junior officer acting in it.

22. The present establishment is as follows:—

	<i>Rs.</i>	<i>Rs.</i>
26 Judges - - - - - at	30,000	7,80,000
3 Magistrates and Collectors - - - - - „	28,000	84,000
23 Collectors - - - - - „	23,000	5,29,000
3 Collectors - - - - - „	18,000	54,000
1 Magistrate - - - - - „	28,000	28,000
25 Magistrates - - - - - „	10,800	2,70,000
4 Joint Magistrates and Deputy Collectors „	18,000	72,000
4 Joint Magistrates and Deputy Collectors „	12,000	48,000
11 Joint Magistrates and Deputy Collectors „	8,400	92,400
100		<i>Rs.</i> 19,57,400

The establishment I should propose would be as follows:—

	<i>Rs.</i>	<i>Rs.</i>
26 Judges - - - - - at	27,000	7,02,000
30 Magistrates and Collectors - - - - - „	27,000	8,10,000
22 Joint Magistrates and Deputy Collectors „	12,000	2,64,000
21 Joint Magistrates and Deputy Collectors „	8,400	1,76,400
		19,52,400

With a special allowance of 3,000 rupees a year for the Judge,
and the Magistrate and Collector of the 24-Pergunnahs,
on account of the expense of a residence at the Presidency 6,000

Rs. 19,58,400

23. This scheme, the details of which are more fully shown in the annexed table, would practically recognise only three grades of salary; viz., 700 rupees a month, 1,000 rupees a month, and 2,250 rupees a month. The aggregate expense would be the same as at present; and in respect to details, it is only necessary to observe, that at Pubna and Noakally, where the work is fully equal to

to that of an ordinary district, the office is raised from that of a joint magistrate and deputy collector on 18,000 rupees to a magistrate and collector on 27,000 rupees; while, on the other hand, Maldah and Bograh, where the work is much less, are reduced from 18,000 rupees to 12,000 rupees a year. Supposing the Court of Directors to recruit the civil service, as they have been requested to do, so as to provide one assistant for each district, to the number of 37, a civilian under this scheme would obtain his first promotion in about five or six years after leaving college; he would rise to 1,200 rupees a month in about four years more; and at about 13 or 14 years' standing, when at the age of 33 or 34, and full of experience in every department of civil administration, he would have to take his choice either of the executive or judicial line, and there remain in ordinary course to the end of his career; and those selected for higher employment would hardly have had to serve in independent charge of a district, in one department or the other, for less than six or seven years.

24. To that part of the above scheme which goes to equalise the salaries of the judicial and executive chiefs of districts, an objection will doubtless be made, weak I think in itself, and more so as compared with the advantage of fixing a civilian's career at a comparatively early period of his service, but one which will carry weight to some minds accustomed to the present constitution of the service. I mean, that an appeal lies from the magistrate to the judge, and that the judge may frequently be a man of much less age and experience, as well as less ability, than the magistrate. As regards ability, matters will remain very much as they are at present; and in other respects I think that, apart from the general objection to appeals from one individual judgment to another individual judgment, it signifies little what may be the relative ages and general experience of the original and appellate judges, provided that it be the special business of the latter to weigh evidence and decide cases, undisturbed by the distractions of executive detail. Moreover, I hope that the time is not far distant when all criminal, as well as other judicial appeals will be held before a bench of judges, of whom the civilian judge will be only one of the members.

(signed) *Cecil Beadon.*

Dated the 3d December 1853.

(True copy.)

(signed) *Hodgson Pratt,*

Under Secretary to Government of Bengal.

No. 3.
Note by the
Secretary to the
Government of
Bengal.
3 Dec. 1853.

• STATEMENT showing the Salaries of all Judges, Magistrates, Collectors, and Joint Magistrates and Deputy Collectors, in the Lower Provinces, on the 1st May 1836 and 1st May 1833.

NAME or DISTRICT.		SALARIES ON THE 1st MAY 1836.				SALARIES ON THE 1st MAY 1833.			
		Judge.	Magistrate.	Collector.	Joint Magistrate and Deputy Collector, 1st Grade.	Joint Magistrate and Deputy Collector, 2d Grade.	Judges.	Collectors.	Magistrates.
		Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.
Savun	-	30,000	30,000	-	12,000	8,400	30,000	23,000	10,800
Champanun	-	-	-	-	-	-	-	-	-
Shahabad	-	30,000	24,000	-	12,000	8,400	30,000	23,000	10,800
Patna	-	36,000	24,624 14	-	24,000	8,400	30,000	23,000	10,800
Behar	-	30,000	28,000	-	35,000	8,400	30,000	23,000	10,800
Tirhoot	-	30,000	32,634	-	12,000	-	30,000	18,000	10,800
Bhaugulpore	-	36,000	28,000	-	18,000	8,400	30,000	23,000	10,800
Moonghyr	-	-	-	-	-	-	-	-	-
Purneah	-	30,000	28,000	-	18,000	8,400	30,000	23,000	10,800
Dinaghpore	-	30,000	28,000	-	-	-	30,000	23,000	10,800
Maldah	-	-	-	-	18,000	-	30,000	23,000	10,800
Rajshahye	-	30,000	23,000	-	18,000	-	30,000	23,000	10,800
Pubna	-	-	-	-	-	-	-	-	-
Rungpore	-	30,000	12,000	26,246	18,000	-	30,000	23,000	10,800
Bograh	-	-	-	-	12,000	-	30,000	23,000	10,800
Dacca	-	41,800	24,000	-	12,000	-	30,000	23,000	10,800
Furzedpore	-	-	-	-	12,000	-	30,000	23,000	10,800
Mymensing	-	30,000	24,000	-	12,000	-	30,000	23,000	10,800
Sylhet	-	36,000	24,000	-	12,000	8,400	30,000	23,000	10,800
Tippurah	-	30,000	28,000	-	12,000	-	30,000	23,000	10,800
Bulloah	-	-	-	-	18,000	-	30,000	23,000	10,800
Chittagong	-	36,575	30,000	-	12,000	8,400	30,000	23,000	10,800
Backergunge	-	30,000	24,000	-	-	-	30,000	23,000	10,800
Jessore	-	30,000	28,000	-	12,000	8,400	30,000	23,000	10,800
Moorsshedbad	-	30,000	24,000	-	12,000	-	30,000	23,000	10,800
Nuddea	-	36,000	24,000	-	12,000	-	30,000	23,000	10,800
24-Pergunnahs	-	41,800	28,000	33,600	-	-	30,000	23,000	10,800
Calcutta	-	-	-	-	12,000	-	-	-	-
Baraset	-	-	-	-	12,000	-	30,000	18,000	10,800
Beerboom	-	36,550	-	32,400	12,000	-	30,000	23,000	10,800
Bancoorah	-	-	-	-	12,000	-	30,000	23,000	10,800
Burdwan	-	36,575	24,000	-	12,000	-	30,000	23,000	10,800
Houghly	-	36,000	12,000	25,944	12,000	-	30,000	23,000	10,800
Howrah	-	-	-	-	-	-	-	-	-
Midnapore	-	30,000	24,000	-	12,000	8,400	30,000	23,000	10,800
Cuttack	-	30,000	30,000	-	12,000	-	30,000	23,000	10,800
Balasore	-	-	-	-	-	-	-	-	-
Pooree	-	-	37,630	-	-	-	-	-	-
TOTAL	-	8,23,300	6,71,878 14	1,18,190	3,65,000	84,000	7,80,000	6,67,000	2,98,000
			25 Judges	8,23,300				26 Judges	7,80,000
			26 Magts. and Collr.	6,71,878 14				29 Collectors	6,67,000
			4 Collectors	1,18,190				26 Magistrates	2,98,000
			27 J. M. and D. C. (1)	3,65,000				8 J. M. and D. C. (1)	1,20,000
			10 J. M. and D. C. (2)	84,000				11 J. M. and D. C. (2)	92,400
GRAND TOTAL	-	-	92	20,62,368 14	-	-	-	100	19,57,400

No. 3.
Note by the
Secretary to the
Government of
Bengal.
3 Dec. 1853.

STATEMENT showing the SALARIES proposed to be assigned to Judges, Magistrates, and Collectors, and Joint Magistrates and Deputy-Collectors, in the Lower Provinces.

NAME OF DISTRICT.	SALARIES AS PROPOSED.							
	Judge.		Magistrate and Collector.		Joint Magistrate and Deputy-Collector, 1st Grade.		Joint Magistrate and Deputy-Collector, 2d Grade.	
	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.
Sarun - - - - -	27,000	-	27,000	-	12,000	-	-	-
Chumparun - - - - -	-	-	-	-	12,000	-	-	-
Shahabad - - - - -	27,000	-	27,000	-	12,000	-	-	-
Patna - - - - -	27,000	-	27,000	-	12,000	-	-	-
Behar - - - - -	27,000	-	27,000	-	12,000	-	-	-
Tirhoot - - - - -	27,000	-	27,000	-	12,000	-	-	-
Bhaugulpore - - - - -	27,000	-	27,000	-	-	-	8,400	-
Moonghyr - - - - -	-	-	27,000	-	-	-	8,400	-
Purneah - - - - -	27,000	-	27,000	-	-	-	8,400	-
Dinageporee - - - - -	27,000	-	27,000	-	12,000	-	-	-
Maldah - - - - -	-	-	-	-	12,000	-	8,400	-
Rajshahye - - - - -	27,000	-	27,000	-	-	-	8,400	-
Pubna - - - - -	-	-	27,000	-	-	-	8,400	-
Rungpore - - - - -	27,000	-	27,000	-	12,000	-	-	-
Bograh - - - - -	-	-	-	-	12,000	-	8,400	-
Dacca - - - - -	27,000	-	27,000	-	12,000	-	-	-
Furreedpore - - - - -	-	-	-	-	12,000	-	8,400	-
Mymensing - - - - -	27,000	-	27,000	-	-	-	8,400	-
Sylhet - - - - -	27,000	-	27,000	-	12,000	-	-	-
Tipperah - - - - -	27,000	-	27,000	-	-	-	8,400	-
Bullooah - - - - -	-	-	27,000	-	-	-	8,400	-
Chittagong - - - - -	27,000	-	27,000	-	12,000	-	-	-
Backergunge - - - - -	27,000	-	27,000	-	-	-	8,400	-
Jessore - - - - -	27,000	-	27,000	-	-	-	8,400	-
Moorshedabad - - - - -	27,000	-	27,000	-	12,000	-	-	-
Nuddea - - - - -	27,000	-	27,000	-	-	-	8,400	-
24-Pergunnahs - - - - -	30,000	-	30,000	-	12,000	-	8,400	-
Calcutta - - - - -	-	-	-	-	12,000	-	-	-
Baraset - - - - -	-	-	-	-	12,000	-	-	-
Beerbhoom - - - - -	27,000	-	27,000	-	-	-	8,400	-
Bancoorah - - - - -	27,000	-	-	-	12,000	-	8,400	-
Burdwan - - - - -	27,000	-	27,000	-	12,000	-	-	-
Hooghly - - - - -	27,000	-	27,000	-	-	-	8,400	-
Howrah - - - - -	-	-	-	-	12,000	-	-	-
Midnapore - - - - -	27,000	-	27,000	-	12,000	-	-	-
Cuttack - - - - -	27,000	-	27,000	-	-	-	8,400	-
Balasore - - - - -	-	-	27,000	-	-	-	8,400	-
Pooree - - - - -	-	-	27,000	-	-	-	8,400	-
TOTAL - - - - -	7,05,000	-	8,13,000	-	2,64,000	-	1,76,400	-
				26 Judges - - - - -	7,05,000 -			
				30 Magistrates and Coll. -	8,13,000 -			
				22 Jt. Magt. & Dy. Coll. (1)	2,64,000 -			
				21 Jt. Magt. & Dy. Coll. (2)	1,76,400 -			
GRAND TOTAL - - - - -				99	19,58,400 -			

(True Copies.)

(signed) *Hodgson Pratt,*
Under Secy. to the Govt. of Bengal.

No. 4.
• Minute by the
Hon. Mr. Grant.
23 Nov. 1854.

— No. 4. —

MINUTE by the Honourable Mr. *Grant*.

PROPOSED Reorganisation of the System of Civil Administration in *Bengal*,
including the Reunion of the Offices of Magistrate and Collector.

Dated the 23d November 1854.

1. I HAVE given the difficult questions raised by this reference all the consideration which their importance and the quarter from which they emanate demand.

2. It is proposed to unite in Bengal the offices of magistrate and collector. But this is proposed only as one step (though one which should be immediately taken) of a series of functional changes to be afterwards introduced.

3. I will address myself first to the more immediate question.

4. In the reference from the Bengal Government, the system under which the office of collector is united with that of magistrate in the same person is treated of as having been formerly the prevalent system of Bengal. But that system can hardly be said to have existed in Bengal at any time in any other form than in that of a short experiment, which, when judged of after the experience of a few years, was pronounced to have failed, and was therefore abandoned. The offices were united, I think, in 1830 or 1831; and in 1836 the police committee sat, which reported against the union. The last system, before the present system, which existed in Bengal long enough to be considered as a settled system, was that established by Lord Cornwallis; wherein the offices of magistrate and civil judge were united in the same person. So far as that union combined the function of a civil and criminal judge, it was, I think, not merely unobjectionable in principle, but practically the best arrangement that could be made. In so far as it combined with the functions of a criminal judge the duty of a superintendent of police and public prosecutor, it was, I think, objectionable in principle; and the practical objections to it were greatly aggravated by the course of subsequent legislation, which raised the judicial powers of a magistrate six times higher than they were in the days of Lord Cornwallis. But this objection of principle has not been removed by any change that has since been made, and will not be removed by any change now recommended to be made.

5. In my opinion, it is generally worth while to make a change of system, when that change removes material faults of principle, in what affects the foundations of a good administration. But I must confess myself to be slow to be convinced of the expediency of changes of system, which affect the outside and the form of things, but leave essential errors exactly where they were. In discussing a question of this nature 16 years ago, the Governor-General of that day, Lord Auckland, recorded a remark which struck me forcibly when I read it at the time, and which has ever since been present to my mind, and operative upon my judgment in considering public questions of this nature. Speaking of a scheme of that day, which had been recommended by the highest authority at the Presidency, and which, by a mere transfer of duties from one authority to another, was expected by its promoters to do great things, Lord Auckland wrote thus from the Upper Provinces:—

“I may frankly avow that I have come to the consideration of this proposal with but little prepossession in its favour, for I am deeply impressed with the feeling that there has been, with successive governments of India, too ready a disposition to adopt extensive changes of system in cases only requiring something of administrative reform. Under frequent changes of this kind, no system is fairly tried; the confidence of the people is shaken, and they become utterly at a loss to know to what authorities or to what tribunals they are to look with consistent respect. We have a very limited number of trustworthy agents; we have a vast number of important and responsible situations; we must be sometimes disappointed in the efficiency and even in the proper conduct of our officers. Yet I would not, upon occasional instances of such disappointment, be
hasty

hasty to condemn our present means of enforcing a due performance of public duties, or to look to new classes of agency ; whilst, however, I avow this ground of prepossession against the plan proposed, I trust that I shall not be the less disposed candidly to examine it." *

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6. In 1836, with the offices of collector and magistrate united, the police of Bengal was felt to be amiss. Instead of "any administrative reform," which, going to the real root of the evil, would have corrected or alleviated it, what was done was, in the very spirit which Lord Auckland afterwards characterised in the passage I have quoted above, to place the two offices each in separate hands ; after which change of system, of course, the police remained much what it was before. But because the disunion of the offices has done no good or little good to the police, have we any warrant for presuming that the reunion of the offices would do it any good ? It is very true that we are pressed with the sense of police affairs in Bengal being amiss now. But what is the root of the evil ? No one denies that police affairs in Bengal will continue amiss, till an adequate constabulary force and trusty native officials in the Thannas are provided for it ; till Bengal shall be put on an equal footing in this respect with the rest of India. Now no change of names, no shifting of offices, will have any tendency to increase the constabulary force, or to give Bengal trusty native officials in the Thannas. What assurance then have we that, if these two offices are reunited to-morrow, another police committee, sitting six years hence, and pressed (as it will assuredly be, unless some very different measures are taken) with a sense of police affairs being amiss in Bengal, will not repeat what, under precisely the same circumstances, the committee of 1836 did, and so drive the Government to undo all again ? The words of the Honourable Court, quoted in the Bengal Secretary's note (applying to the change made in 1836—the remark that a general change of established system is always in itself to be avoided, unless the grounds for it be strong and unquestionable), are as applicable to the change the secretary is supporting, as they were to the change he is objecting to. Both the union and disunion of the offices in question are surface changes of system ; neither measure affects the root of the evil.

7. Thinking as I do upon this question, it is incumbent upon me honestly to state my opinion, because I observe, that, since the Bengal Government first proposed the reunion of these offices, the project has been strongly relied upon by the Lieutenant-Governor of Bengal, in addressing an assembly of dissatisfied indigo planters, as being a measure of great practical reform. I am convinced that the hopes thus felt by the Lieutenant-Governor, and thus raised by him in the breasts of the indigo planters, will be disappointed ; and I wish to have no hand in the disappointment. I am very sure that if "Boy-magistrates lacking experience" be a good cry now, "Sexagenarian magistrates lacking capacity to rise to higher office" will be as good a cry, any day when occasion offers.

8. I do not mean to say that there is not justice in the objection to the inexperience of some of our magistrates, under the present system. But I deny that this objection is in any way an objection to the principle of the disunion of fiscal and police powers. It is an objection only to the strange and indefensible method in which the Government of 1836 set about the execution of that principle. One office, that of a collector in Bengal, generally and naturally has comparatively easy and light work ; the other office, that of magistrate in Bengal, generally and naturally has comparatively difficult and heavy work : in one office a little experience is sufficient for all purposes ; in the other considerable experience is indispensable for thorough efficiency. Having to allot these offices between an experienced officer on high pay, and an inexperienced officer on low pay, at a moment when unfortunately there happened to be a peculiar and temporary pressure in the Revenue Department, the Government of the day fell into the permanent error of allotting the easy and light duty, requiring moderate experience, to the experienced man with high pay ; and the difficult and heavy

* See Governor-General's minute, 10th October 1838 ; Judicial Consultation, 5th November, No. 2. See also Honourable Court's letter in reply, of 24th December 1838, in which the Honourable Court say, "His Lordship has stated an opinion, which we have had frequent occasion to convey to you, when he says, &c." The Honourable Court then cite part of the passage cited in the text.

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heavy duty, requiring long experience, to the inexperienced man with low pay. Necessarily, under such a system, as a man becomes experienced he gets promoted out of the office for which his experience has qualified him. But is it fair, when any magistrate errs from inexperience, to attribute the evil to the principle of the division of labour (a principle not usually called in question), instead of to the glaring error of the manner in which that principle, in this instance, has been put in force?

9. I have never heard a practical objection to the present system, which would not be avoided immediately and certainly, by the simple process of transposing the salaries of the two offices, of course with due regard to the public interests in making the appointments to each class of office.

10. When this question was before the Government of India on the last occasion, I remember that Mr. Ross (though I have not seen his minute since) recorded his opinion that, instead of having in every district, as before, one higher paid* and one lower paid† officer, each having both fiscal and magisterial duty, and one being in both capacities subordinate to the other; and instead of having in every district, as now, one higher-paid collector, and one lower-paid magistrate; there should be in each district two officers, one a collector, and the other a magistrate, of equal rank and on equal pay,‡ each exclusively engaged upon his own proper duty. A modification of the present system of separate officers, based upon this principle, is what, if it depended upon myself, I would introduce to-morrow. I believe such a plan to be sound in principle; and taking into consideration all the specialties concerning the civil service in this country, with reference to which I admit that every system in India must be judged, I believe that it would be found extremely convenient in practice. I do not think that the principle of uniting fiscal and police functions, *in Bengal at least*, is sound in principle; and after all the consideration I can give the measure, I fear that there will be found in Bengal much practical difficulty, not in working it agreeably to the members of the service, but in working it so as not to be injurious to the administration of the provinces.

11. On the point of principle I have only to observe, that those specialties which, in other parts of India, it is by many maintained, justify the seemingly unpropitious union of the powers of a publican with those of a magistrate and judge, do not in any degree exist in Bengal. A collector in Bengal neither has, nor ought to have, influence by reason of his office in his district. If the revenue is paid, he must take it; if it is not paid, he must advertise for sale. As the judge in summary suits for rent between Zemindars and Ryots, any attempt to acquire influence would be criminal. His miscellaneous duties are of such a nature as would give no man influence anywhere. As guardian of wards and maker of partitions, he acts only occasionally and upon individuals. He rarely makes a settlement, and never makes one of any importance. I do not, therefore, see how by his influence he can benefit the police of his district. On the other hand, I do not think that those general and obvious objections to the union of fiscal, police, and judicial powers in the same hands, which are admitted to have weight, and which rule the practice in all the well-governed countries of the West, are inapplicable in any part of India. At this moment, in the Madras provinces, an inquiry is on foot into the truth of a charge that has been made formally in Parliament, to the effect that in those provinces, where magisterial and fiscal power are in the same hand, the Government revenue is systematically raised by the use of torture inflicted by the native officers vested with these double powers. I trust that the charge, in the main, will be disproved; but I myself heard, when I was in the South of India, some such stories as would naturally have given rise to the charge. I myself heard what makes me very glad that the fact is to undergo inquiry. Now, no one can deny that, under the Bengal system, no such charge could stand a moment. Every one knows that, in Bengal, police peons and darogahs often torture prisoners for police purposes; but no one for the last 70 years has ever suspected that a rupee of revenue was ever raised in Bengal by the help of torture. This is one of the views in which, I submit, the smoothness and silence with which public affairs go on when all

power

* Say, Rs. 2,000, or Rs. 2,250.

† Say, Rs. 1,000.

‡ Say, Rs. 1,500.

power in all departments is centred in the hands of one train of officials, cannot be regarded as good for the people, however agreeable they may be to the administrator.

On the point of practical working, I think there is much requiring to be considered by those who expect that this union of offices will give us an improved magisterial administration in our Bengal districts.

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12. In the first place, experience is against the assumption; the experiment has been tried in Bengal, and has failed. The police presents no difficulty in any part of India, excepting these permanently settled provinces, where the wealth of the people makes a style of protection requisite which the State does not afford them. In the North-western Provinces the magisterial work is light. In Bombay I suppose it is the same. In Madras it is lighter still. The experience of other parts of India, therefore, is beside the question. Now, as a simple question of fact, I do not think it will be denied that our magistrates in Bengal now, call them boy-magistrates or what we will, are generally more zealous, laborious, and efficient magistrates, and often more capable, than the collectors and magistrates of twenty years ago, who were put to flight by the result of the inquiries of the police committee.

13. In the next place, there seems reason to fear no better result now. It is not probably denied that a better man is required to manage two independent courses of business, than is required to manage one course of business; and it is not probably denied, that an incapable man at the head of two departments in a district, is a much greater evil than an incapable man in charge of only one of those departments. Now I can answer for it, that when I was connected with the Bengal Government fully one-fourth part of the collectors were gentlemen who would have been unfit to have magisterial charge of their districts, and wholly incapable of the double charge. Nevertheless, most of that number did moderately well as mere collectors. Of the rest, there were, I think, several who had good reputations as collectors, and of whom I have no doubt some have since done well as judges, who, for want of youth, activity, or energy, would have made decidedly worse magistrates than the younger men in actual charge of the magistracies. Here is a difficulty that cannot be shirked; it must be met in face. How is it intended to meet it, under the proposed union of offices? Are we to have a fourth part, a third part, or a half of all our districts, in every department; laid at the feet of men of a certain standing, but not qualified for so onerous a charge; or are we to have in so many districts the old man and the young man, both in one and the same line of official subordination, the young man at the top, and the old man, until the expiration of his 35th year of service, at the bottom? This of the two is the better way of getting over the difficulty; but it seems to me that it would be better still not to rear up the difficulty at all. I fail to see the practical object for which it is thought worth while to encounter this difficulty. If the present evil be that some given magistrates are too young, that evil will not be avoided by giving them older men for their deputies, and making them boy-collectors as well as boy-magistrates. Move them about as you will, there is but the same number of older men, and the same number of younger men, to deal with.

14. On these grounds I have felt myself unable to support the proposed union of offices. I am bound in candour to confess, that, when I first took the subject into consideration, the proposed measure appeared to me to be one from which, though little good was to be expected, little harm was to be feared. After close attention, the good has vanished, and the harm has taken a substantial form in my view. This having been the result of much reflection on this important topic, though I am in a minority, I should be wrong not to place, with all deference to better judgments, my conclusion on record.

15. I will now revert to the remaining part of the scheme which has been sketched by the Bengal Government.

16. The plan proposed is to have in every district two, and only two, chief officers; one to be charged with all business relating to revenue, police, minor criminal judicature, public works, and miscellaneous executive matters; the other to be the judge; both these chief officers to be subordinate to the commissioner of revenue and police of the division; and the offices of both to be

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of equal rank and emolument, the salary suggested being 27,000 rupees, which is the salary of a collector and magistrate in the North-western Provinces, and is between the present salary of a Bengal collector and that of a judge. The objects are to reduce the number of changes of appointment which an officer passes through in the course of his service; and to keep one man, generally speaking, after he has once mastered his work, either always to the executive line, or always to the judicial line, throughout the whole of his subsequent career. It is an important part of this scheme to create a higher grade of provincial judges; who may represent in the judicial line the grade of commissioners in the executive line.

17. There is something very fascinating in the great simplicity of this scheme, and in its excellent adaptation to the two ends in view. The idea of a grade of chief provincial judges appears to me admirable. I have long been convinced that, quite apart from any of the considerations which give it a place in the present scheme, any great improvement in the administration of justice will be impracticable till a new class of provincial chief judges, having new and high functions, is established. The abolition which the scheme involves of the present anomalous grade of independent joint magistrates and deputy collectors on 1,500 rupees a month will obviate a source of much unnecessary inconvenience. The separation of the two great lines of the service will be complete, even to the eye; and one of the handles for that sort of ignorant criticism which founds upon words and not things will be put out of the way.

18. But with all this, I know not how to overcome the objections I feel to parts of this scheme.

19. I have fully stated above what seem to me to be grave objections to the union of the offices of magistrate and collector. Those objections are not lessened by the higher rank to which it is proposed to raise the united offices.

20. According to my ideas, it ought to be our fixed intention, as soon as possible, to dis sever wholly the functions of criminal judge from those of thief-catcher and public prosecutor, now combined in the office of magistrate. That seems to me to be indispensable as a step towards any great improvement in our criminal jurisprudence: and any change of system to be made meanwhile should be contrived, I think, with regard to this fundamental reform. But if this reform were effected, it seems clear that, with the proposed rank and salary, the magistrate and collector would be lifted very far above his proper degree in the scale of offices. The duties of a Bengal collectorate are not of a high order. As magistrate, after the change I contemplate, this officer will be merely the head of the police of a district, and the prosecutor of criminals before the judge. It strikes me that to raise such a functionary to a rank equal to that of a judge, who controls and hears appeals from every judicial officer in his district, who in the vast mass of cases is the Court of last resort, and from whom no appeal in any case whatever lies, except to the highest Court in the country, would be a mistake, and would certainly degrade the great office of judge.

21. Even with the magistrate's functions as they now are, the much greater importance of the office of judge, in a Bengal district, appears to me to demand the greater rank and emoluments at present attached to that office. When of two judicial authorities one has five times as much power as the other, and can reverse, with censure if he pleases, any order or judgment of that other, surely the one of these two authorities is set up as being plainly the superior of the other; and it seems to me that the salaries of the two offices should in reason have some correspondence with their relative positions.

22. We ought, in my opinion, to attract the soundest heads we can get to this office of judge, on which, in Bengal, as in all other wealthy and highly civilized countries, the prosperity of agriculture and commerce depends more than on any other single office. In thinking of this subject, we should think not merely of the fact of the wealth and civilisation of Bengal, but also of the cause of it,—the institution of private property in land. The reasons which have induced the wise English people to make their courts all in all, to convert their Exchequer into an ordinary tribunal of justice, and to make their "collectors" mere taxgatherers, have already operated to a notable extent in Bengal. I am all for progress in this direction. I protest against going backwards.

23. I speak

23. I speak after much watching of the course which one Government after another inevitably falls into, in the matter of appointments, when I say that I am sure, if the proposed system were in force for a few years, it would be rare indeed to see a judge of a capacity not greatly below the average. It would be so difficult to get an officer fit to work a magistracy and collectorate, and the inconvenience to secretaries and lieutenant-governors, of having a bad officer in such a situation, would be so pressing, that the refuse of the service only would be made judges. The Government looks to the magistrate and collector; the people look to the judge.

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24. I am unable to support that part of the scheme which would place the judge under the revenue and police commissioner. A great part of the business of a judge is to decide upon the cases, civil and criminal, in which the commissioner is a most anxious and, of course, often a prejudiced party. If a man is to be a judge at all, he should be independent. But the mere fact of his decisions not being appealable to the commissioner will not make him independent, if, in all other respects, or in any other respect, he is placed under the commissioner's superintendence and control. The same objection applies even more strongly to the subordinate native judges. The Sudder Court, as the body which best knows how the Lower Courts do their work, and as the only public body which is in a position to pass an impartial opinion upon that work, seems to me obviously the best authority to superintend all inferior judicial officers. I refer in the margin to the papers connected with a proposal made in 1838 to withdraw the power of control from the Sudder Court, which was negatived, for very conclusive reasons, by Lord Auckland, with the marked approbation of the Honourable Court;* also to the papers connected with a proposal made in 1836, similar to that now under discussion, for making over to the commissioners the superintendence and control of the judges; which was negatived by Lord Auckland's Government for reasons which are to me convincing.†

25. Having so freely remarked upon the very able scheme which has been recommended by the Bengal Government, it is but fair to submit to criticism, in a tangible form, the modifications which would make it suit the principles which I uphold. I will proceed, therefore, to sketch in full length the system which, upon the whole, seems to me the best.

26. To begin with the beginning. The crying evil of Bengal is its bad police. As I have said, the only remedy for this is an adequate constabulary force and trusty thannadars. This remedy is beyond the scope of the present question. I only mention it here to say that I am convinced that all thought expended upon projects of improved administration in Bengal, until this main want is supplied, will be little better than thought thrown away.

27. The great defect in the organisation of the district administration in Bengal is the want of all trusty officers in the interior of districts (such as are the tehsildars in all other parts of India) to inform the station officers of what is really going on, and to execute their orders faithfully. The only local officers in Bengal are the police thannadars, who, though better than they were, are notoriously bad. The great additional strength of civil officers that has been acquired of late years (I venture to say) has been made use of in the least useful of all possible ways; that is to say, in increasing the number of civil officers already congregated in sufficient numbers at the sudder stations. Thus the country at large has derived the least possible benefit from the immense and costly additions that have been made to its civil establishments in the shape of deputy collectors, deputy magistrates, and Abkaree superintendents. In one way only has any progress been made towards supplying the one grand want of the Bengal system, namely, in the establishment here and there, in excessively large districts, of a small number of subdivisions, presided over by an assistant to the
magistrate,

* Judicial Consultation, 20th August 1838, No. 1, &c.; Judicial Consultation, 22nd October 1838, No. 5, &c.; Judicial Consultation, 5th November 1838, No. 1, &c.; Honourable Court's Judicial Despatch, 5th June 1839.

† Judicial Consultation, 21st June 1836, No. 14, &c.; Judicial Consultation, 13th September 1836, No. 4, &c.

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magistrate, or a deputy magistrate. I would work out this one sound improvement to the utmost.

28. Every district is already divided into several moonsiffships. I would give every moonsiff criminal judicial powers to a certain extent; say, up to three months' imprisonment. He should receive his cases directly from the thannadar. The number of moonsiffs would require to be increased, but not very largely, I believe.

29. Every district is already divided also into thannas, but these thannas are often very large. I think no thanna station should be more than ten or twelve miles from its neighbour on any side. A certain number of these (small) thannas, say, eight or nine, would form a subdivision, in which there should be, say, three head thannadars, the rest being naib thannadars under a head thannadar.

30. Every district should be wholly cut up into subdivisions. Over every subdivision there should be either an assistant or an officer, such as is now called a deputy magistrate, to superintend the thannadars, and to control the police of the subdivision, but without any judicial power whatsoever. These appointments should be reserved for the future as rewards for the best conducted of the thannadars. If we make this service as hopeful as the native judicial service, why should we not have as good native deputy magistrates as we now have principal sudder ameens, and as good thannadars as we now have moonsiffs? If we do not make the service hopeful, what right have we to expect it to be good?

31. Sudder ameens are now located at the sudder stations, exactly where respectable officers of their sort are least wanted. I would increase their number, and place one in each subdivision, with jurisdiction over the whole subdivision, and with criminal judicial powers to a certain extent, say, up to one year. They should receive their cases directly from the subdivision officers, or from one of the thannadars acting under the orders of those officers.

32. At the sudder station, as his head-quarters, I would place the officer now called magistrate, denuded of all criminal judicial powers whatsoever, and restricted to the duties of looking after the subdivision officers, and the thannadars and subordinate policemen, of discovering crime, and of prosecuting it in heavy cases to conviction. At the sudder station also would be tried by principal sudder ameens, assistants, joint magistrates, and deputy collectors, and judges (by collectors also, having powers for the purpose, if any collectors have time enough to spare), all the cases of too grave a nature to be tried by moonsiffs and sudder ameens in the thannas and subdivisions.

33. To carry out to the utmost the reversal of the old system, which I blame, of congregating all the respectable part of our strength at the sudder station, I would, wherever possible, throw off the principal sudder ameen, with divisional criminal powers, into the interior of the district. I believe there are few districts in Bengal which ought not to have two of these officers. Under such a system I believe we might save a judge or two, and several magistrates, with infinite convenience to the people in respect to civil as well as to criminal justice.

34. If any one, acquainted with the Mofussil, will endeavour to realise to himself the state of things such as it would be under the above system, and then to compare that with the existing state of things, in which nobody can be lawfully tried for stealing an egg, or for giving an impudent boy a cuff on the head, without coming in perhaps 70 or 100 miles, with all the witnesses, to the sudder station, I think he will admit that my plan would be an improvement. My system of criminal procedure would not be perfection; but it might be introduced in three months' time, with the greatest ease, and at a small expense. The existing system of criminal procedure, to speak of it in moderate language, is not like the system of a country administered by rational beings.

35. To the system of criminal procedure above sketched, or to some such system then, I would adapt the course of our covenanted civil servants.

36. I would make the assistants work at first in the departments of revenue, minor criminal justice, and minor civil justice. In these departments they would gain their first increase to 500 rupees. Afterwards they might either take charge of

of a subdivision, or work on at the station, with higher powers in those three departments. At every station I would have an officer on 700 rupees of the grade now called a 2d grade joint magistrate and deputy collector, as the lieutenant of the magistrate, and of the collector; working under both, and ready to assume temporarily the place of either.

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37. From that rank the civilian's promotion should be either to a magistracy (*i. e.* a chiefship of district police), or a collectorship. Though I think the rank and emoluments of these offices should be upon an equal footing, I do not think that the salaries should be at one unvarying rate. Young men will not rise to either of these offices till they have served several years. In either of them they will not get through the grade in less than 10 or 12 years. That is too long a time to keep promotion stagnant, if we wish to preserve zeal. I would, therefore, in this grade adopt a plan which has done well in the Punjab, that is to say, I would fix three rates of pay, having one third of the number at each rate. The rates should be 1,000 rupees, 1,500 rupees, and 2,000 rupees; promotion being by merit, unless where in favour of special cases of very old standing and good conduct. I am quite sure that if we want to maintain the needful stimulus, this is the system of payment to be adopted.

38. Under this arrangement I should hope to escape, in a great degree, the worst vice of our administration, the one vice which I am obliged to say seems to me to be now getting worse instead of getting better,—I mean the promotion of incompetent men to judgeships. On either of the two higher rates of pay, a man capable of doing his work as a collector, and incapable of performing fitly the duties of any higher office, might well be left, and I believe generally would be left, to work out the remainder of his service in this grade.

39. From both these offices I would promote the good men, and none others, to be judges. If any one objects that I make men judges who have never been judges before, I reply, that so must all judges be first made. But if any one objects that I make men judges who have not had the opportunities of acquiring, in the course of their previous training, the knowledge and practice best adapted to form a good judge in India, I affirm the contrary, and I join issue on that question. As the affirmative has been demonstrated over and over again by the greatest authorities on Indian subjects, I will not stop to argue it here. The real fact is, that whatever mofussil office an Indian civil servant is in, he begins doing essentially the work of a judge when he first quits college; and he never leaves off doing it till he takes his annuity.

40. From a judgeship the promotion should be either to a chief provincial judgeship, such as has been alluded to, or a commissionership; and from this point I would preserve strictly the judicial line uninterrupted. The chief provincial judges should look to the Sudder Court, the commissioners to the Board of Revenue.

41. The chief provincial judges would try, with a bench of two other judicial officers, all heavy civil and criminal cases, without appeal on points of fact. They would relieve the Sudder Court of many other appeals also; and with their help I believe the Sudder Court might well be reduced from five to three judges.

42. Such is my scheme, which I deliver over for discussion and criticism, if it be thought worthy of so much respect. It wants something of what I have in all sincerity designated as the fascinating simplicity of the original scheme out of which it has been formed. But I am not aware that it anywhere trenches materially upon sound principles of administration; and from long and attentive consideration of the working of the administrative machine in Bengal, I venture to pledge myself that it will be found, if ever it be set to work, a good working system.

(signed) *J. P. Grant.*

23 November 1854.

No. 5.

— No. 5. —

Letter from
W. Grey, Esq., to
C. Beadon, Esq.
26 October 1854.

LETTER from *W. Grey*, Esq., Secretary to the Government of Bengal, to
C. Beadon, Esq., Secretary to the Government of India, Home Department.

Judicial.—No. 2382.

Sir,

Dated Fort William, 26 October 1854.

I AM directed to address you with reference to the measure which was proposed by the Most Noble the Governor of Bengal on the 28th April last, for carrying on the revenue and police administration of the Lower Provinces by means of collector-magistrates, assisted by subordinate joint magistrates and deputy-collectors, instead of by separate collectors and magistrates, as at present; his Lordship's object having been to place the important duties of the magistrate in more experienced hands than is now the case, and thus to meet the common and not unfounded complaint, that the magistrates are too young and inexperienced for their duties.

2. The Lieutenant-Governor thinks it probable, that as this proposal, which is still before the Government of India, involves other considerable changes, it may yet be some time before the Government of Bengal can receive authority to carry it into effect; and he wishes, therefore, to represent that as, whenever that authority may be received, the change will have to be made gradually, as offices fell vacant, and as the present is the time of year at which vacancies mostly occur, if the present season is allowed to pass by, another year will probably elapse before the new system can even be commenced upon.

3. The proposed change, the Lieutenant-Governor thinks, will be a very great improvement, more especially in the districts most resorted to by indigo planters; and he is accordingly desirous of seeing it carried into effect in those districts as speedily as possible, and, if possible, at the present time, so as to save a whole year's further delay.

4. The districts which, in the Lieutenant-Governor's opinion, most urgently require this change are, Nuddea, Jessore, Purnea, and Tirhoot, and also the subordinate district of Pubna, all of these districts thickly inhabited by indigo planters.

5. To make the change at once in these districts would involve an increase of civil charges of only 1,000 a year in the four zillahs, viz., the raising of the salary of the collector from 23,000 to 24,000 rupees, which, in the Lieutenant-Governor's judgment, would be the proper salary to assign to the collector-magistrate. The officer now paid 10,800 per annum as magistrate in those zillahs, would continue so paid at present, as a joint magistrate and deputy-collector of the first class. Thus the additional expense for those four zillahs would amount to no more than 4,000 rupees per annum. In Pubna, which requires the change more urgently perhaps than any of the others, the expense would be greater, as the joint magistrate and deputy-collector at Pubna, who does the full and very onerous duty of magistrate and collector in that heavy indigo district, only receives 18,000 rupees per annum. It was part of the scheme now before the Government of India, that the salary of this office should be made equal to its duties; and if this is not done now, the present incumbent, who is an officer of about 16 years' standing, and of great efficiency as a magistrate, must be promoted during the cold weather, and will be replaced at Pubna by a comparatively inexperienced officer. To raise the salary at Pubna to the full amount which the Lieutenant-Governor has recommended for the collector-magistrate, would cost 6,000 rupees per annum; making the whole present additional cost of the measure 10,000 rupees per annum.

6. The Governor-General in Council is aware, however, that it is proposed in the plan already submitted, that the total present expenditure shall not be exceeded, so that the additional expense above shown would cease as soon as the change was generally adopted in all districts.

7. The Lieutenant-Governor desires to propose, therefore, that permission should be given him to make the change at once in the above-named districts,
and

and in the manner specified, on the occasions which will arise out of the vacancies of the present season, in anticipation of sanction to the more general measure now under consideration.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of Bengal.

No. 5.
Letter from
W. Grey, Esq., to
C. Beadon, Esq.
26 October 1854.

— No. 6. —

MINUTE by the Most Noble the Governor-General, subscribed to by the Honourable Members of Council, Civil Service in Bengal.

No. 6.
Minute by the
Governor-General.
3 January 1855.

Dated 3d January 1855.

1. In ordinary course I should have reserved the Minute, which our honourable colleague Mr. Grant has recorded upon the letter from the Government of Bengal, regarding the union of the offices of magistrate and collector, for consideration in Council. It seems to me, however, that it will be better to pursue a different course upon the present occasion.

2. Since the letter in question was addressed to the Government of India, the administration of Bengal has been transferred to the hands of the Lieutenant-Governor. The important question now before us, connected with the machinery of administration in that province, can hardly be satisfactorily discussed in Council, until we shall be in possession of the views of the Lieutenant-Governor on the subject.

An intermediate reference to his Honor was proposed by me on the 11th July last, in a Minute which seems to have been overlooked. The reference was proposed at that time merely to save time. It has become all the more necessary now, from the weighty objections which Mr. Grant feels to several of the main portions of the proposal as originally framed. Accordingly, I propose that the whole of these papers should be referred to the Lieutenant-Governor, with a request that he will favour the Governor-General in Council with his opinion upon the important subject of which they treat.

3. It will be necessary also to reply to the letter from the Lieutenant-Governor, dated 26th October, in which he requests sanction to the union of the offices of collector and magistrate in several districts which he names, as vacancies may occur.

As the principle of the union of those offices in Bengal generally is still in question, I apprehend that it will be necessary to decline for the present giving the sanction which has been solicited for the partial introduction of the proposed change.

(signed) *Dalhousie*,
3d January 1855.

J. Dorin,
8th January 1855.

J. Low,
13th January 1855.

J. P. Grant,
13th January 1855.

B. Peacock,
22d January 1855.

— No. 7. —

No. 7. LETTER from *C. Beadon*, Esq., Secretary to the Government of India, to the
 Letter from
C. Beadon, Esq.,
 to the Secretary to
 the Government of
 Bengal.
 26 January 1855.

(No. 163.)
 Sir,

Home Department.
 Dated 26th January 1855.

SINCE the Government of Bengal addressed the Government of India, under date the 28th of April 1854, proposing a reorganisation of the system of civil administration in Bengal, including the re-union of the offices of magistrate and collector, the local administration has been transferred to the hands of the Honourable the Lieutenant-Governor. The Governor-General in Council is therefore desirous of possessing the views of His Honor on the above question before coming to a decision upon it. This reference has become the more necessary now from the weighty objections which the Honourable Mr. Grant feels to several of the main features of the proposal as originally framed by the Government of Bengal; and I am therefore directed to request that you will lay before the Honourable the Lieutenant-Governor the papers noted in the margin* (which to save time, are sent in original), with a request that he will favour the Government of India with his opinion upon the important subject of which they treat.

2. I am directed at the same time, with reference to your communication, No. 2382, dated the 26th October last, to state that as the principle of the union of the offices of collector and magistrate in Bengal, generally, is still in question, the Governor-General in Council is not prepared at present to accord his sanction to the proposal therein submitted for the partial introduction of the proposed change.

3. The return of the accompanying papers is requested with your reply.

I have, &c.
 (signed) *C. Beadon*,
 Secretary to the Government of India.

— No. 8. —

No. 8. LETTER from *W. Grey*, Esq., Secretary to the Government of Bengal, to
 Letter from
W. Grey, Esq., to
C. Beadon, Esq.
 13 March 1855.

C. Beadon, Esq., Secretary to the Government of India.

Home Department.

Judicial.—No. 366.

Sir, Dated Fort William, 13th March 1855.
 WITH reference to your letter, No. 163, of the 26th January last, with enclosures, I am directed to forward, for the information of the Government of India, the accompanying copy of a minute recorded by the Lieutenant-Governor.

2. The enclosures of your letter are returned.

I have, &c.
 (signed) *W. Grey*,
 Secretary to the Government of Bengal.

* Letter from the Secretary to the Government of Bengal, No. 924, dated 28th April 1854, and enclosures; Minute by the Honourable J. P. Grant, dated 23d November 1854.

— No. 9. —

MINUTE by Lieutenant-Governor.

No. 9.
Minute by Lieu-
tenant-Governor.
1 March 1855.

Union of Collectorship and Magistracy in the Lower Provinces. Objections to the measure stated in a Minute in Council by the Honourable *J. P. Grant*.

I do not feel the weight of the objections made in this minute to the adoption of the measures proposed by Lord Dalhousie as Governor of Bengal in his Lordship's communication to the Government of India, No. 924, of 28th April 1854.

2. In the papers then submitted to the Government of India, it was shown how the plan of *separate* magistrates, which was introduced subsequent to 1838, was thought to have failed of effect. Before that time the system in Bengal had been the same as it now is and long has been in the North-western Provinces, in Bombay, in Madras, in the Punjaub, in Burmah, in all the Non-regulation Provinces—in short, all over British India; viz. the collectorship and magistracy were united in the hands of one officer. And it was proposed by Lord Dalhousie to return to this system in Bengal, and at the same time to take from the collector-magistrate some of his heavier judicial powers and duties.

3. In the minute of the Honourable Member of Council this proposition is described as “one step of a series of functional changes to be afterwards introduced.” I do not find this to be the case. It was proposed as one of several changes. But it was not necessary as a step to any of them. It had no necessary connexion with them. It might have begun and ended with itself, and any of the others might have been proposed even if this had never been thought of. The other measures were:—

1st. To prevent frequent changes by equalising the salaries of collector and judge.

2nd. To place all mofussil functionaries, judicial and executive, in subordination to the commissioner.

3rd. To extend the experience and official education of assistants by making them do duty under the judge, as well as the magistrate and the collector.

4th. To keep the judicial and executive line separate, after a certain rank attained.

5th. To appoint a class of superior mofussil judges with higher pay and powers than the zillah judge.

4. Whether or not these measures be all expedient is, of course, matter for question. But I think there can be no question that not one of them depends necessarily on the union of the office of magistrate and collector, and that the union in question, though proposed at the same time, was not proposed as a step to the other changes.

5. The union of the two offices seems, however, to have been viewed in the minute before me as if Lord Dalhousie had proposed it as a cure for all existing evils in the police. And this being assumed, it is shown with great success that it can have no such universal effect. It is stated with perfect justice, that one great cause, perhaps the greatest, of the present inefficiency of the police, is the want of adequate constabulary force; and it is urged undeniably that to make the magistrate and collector one officer will not add to the pay or number of the constables. It is also represented that this union was strongly relied on by the Lieutenant-Governor of Bengal, in a recent conference with a deputation of indigo planters, as a measure of great practical reform, so as to lay that functionary open to the imputation of raising hopes which must certainly be disappointed; an imprudent act, to which the Honourable Member of Council is anxious on no account to be considered a party.

6. But I can find nothing in the papers submitted by Lord Dalhousie to the Supreme Government, which leads me to suppose that his Lordship expected the proposed change to cure all existing evils in the police, or indeed any evils, but those on account of which it was expressly recommended. And as for the Lieu-

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ten ant-Governor, I have been at the trouble to refer to the newspaper report, a very accurate one, of what took place on the occasion alluded to, and I find, as I expected, that he never relied upon the change as "a great measure of practical reform," but simply stated, that a return to the system of collector-magistrates would remove the objections made to the youth and inexperience of the present magistrates. And really if the appointment of older men as magistrates, which must unquestionably be the general effect of the proposed change, would not, *pro tanto*, be a cure for the youth of magistrates, I humbly submit that I know not what else will cure it.*

7. I suppose that everybody will agree with the Honourable Member of Council in desiring that the constabulary force should be as large, and the pay of the police as high as the nature of the service requires, and the Government finances can afford. But I do not see why this expensive improvement, whenever the Government may be in a condition to make it, should not be made just as easily under collector-magistrates as under separate magistrates; or what the change in the superior functionary has to do with the pay and numbers of the subordinates.

8. It is objected also to the measure proposed by Lord Dalhousie, that it is contrary to sound principle. Even if this were satisfactorily made out, which I do not think it is, I should be content to oppose to the objection founded on theory the unqualified success of the measure in practice. All over India the measure succeeds. In no province in which it is in use would they hear of its being altered. We find it in the highest favour in Bombay and Madras, and in the North-western Provinces of Bengal. We have unhesitatingly introduced it into recently acquired territory at both extremities of our empire. We find it suitable to the Punjaub, and we find it suitable to Burmah. No doubt it will immediately be made the rule in Nagpore. It is even in force over a large part of the provinces subject to the Government of Bengal. It prevails in all Assam, Arracan, and the districts of the South-western Frontier; in all Cuttack, and in eight other districts of the Regulation Provinces. It seems to me unnecessary, in the face of such facts as these, to argue on the theory.

9. But surely if there be any part of India to which theoretical objections to this measure have absolutely no application, it is Bengal. I do not by any means agree with the Honourable Member of Council in what I consider his under-estimate of the importance of a collector's duties in the Lower Provinces. It can hardly, however, be disputed that in proportion as they are unimportant there must be less room for abuse in the proposed union of duties. In the North-western Provinces, where the collector's duties are onerous, engrossing, all-pervading, and where the amount, as well as the method, of collection is liable to variation, abuse might well take place, though we are assured on the weighty authority of Mr. Thomason, that, so far from abuse, the system produces nothing but good. But in Bengal, where the amount to be collected is fixed, and the manner of collection one unvarying and almost mechanical routine, abuse is simply impossible.

10. The question of the introduction or non-introduction of the proposed measure seems to me mainly one of economy of power. We have collectors whose duties are of a nature involving heavy responsibility, and requiring a certain maturity of discretion. They must, therefore, be persons of sufficient experience, and must be paid in proportion. Yet it is certain that their time is only partially occupied by the duties of their offices, and there is nothing in the nature of their duties which forms a reasonable objection to their employment as magistrates. On the other hand, we have magistrates overworked, and of immature experience, who, though they require naturally the immediate control of more experienced seniors, are practically very much left to themselves; and who nevertheless exercise functions upon the punctual and discreet discharge of which more of the happiness of the people depends than upon the conduct of any other civil officers of the Government. To give these duties, or (as is proposed) a large portion of them, to the older and more experienced functionary, for whom occupation is declaredly wanting, and to place the junior in immediate subordination to

* I append to this Paper an extract from the Report in question.

to the senior, seems to me a proposition most obviously and necessarily arising out of the circumstances—most sound, expedient, and right.

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11. The argument against this measure, upon which, in the minute before me, most stress appears to be laid, is that which is founded on the alleged incompetency to perform a magistrate's duties of a proportion of the officers usually to be found in the rank of collectors. Fully one-fourth, it is estimated by the Honourable Member, will always be unfit to have the double charge of magistracy and collectorship, and even of the rest, it is computed that several must be expected to make bad magistrates. "Here is another difficulty," it is stated, "that cannot be shirked; it must be met on the face; and how?" But I do not see that there is anything insuperable in this difficulty. Indeed, I doubt whether, as a reason for preferring the present system to the system proposed by Lord Dalhousie, it be any difficulty at all. For even taking the case as supposed, though I cannot but look upon it as an extreme supposition, that one-fourth of the existing collectors are men to whom the Government would not willingly confide the duties of magistrate, it is to be remembered that they all have been magistrates. If after considerable experience, and after having risen to the rank of collector, they are now inefficient and incompetent, how much more incompetent must they have been when young in years and deficient in experience? To the present system, under which, as it has hitherto been worked, a proportion of such men have been, and if the system be continued, will be magistrates without experience, the Honourable Member sees no objection. But to the proposed system, under which a like proportion will be magistrates, after having had experience, he has insuperable objections. Yet it is clear that there would be, at all events, the advantage of experience in favour of the magistrates under the proposed system, as compared with the magistrates under the system now in use.

12. The fact is, that this objection, so far as it is of force, is an objection to one system, just as much as to the other; and, under the present constitution of the service, to any system that could be devised. There will always be a certain proportion of the members of the service (even under the coming reign of pure intellect), who, on trial, will be found more or less unfit; and it is much more likely, as was long ago urged by Lord Auckland, as an argument in favour of the union of the magistracy and collectorship, that two good officers will be forthcoming in each district than three.

13. For my part, I am prepared under either system to deal with incompetency as it deserves, whether it be found among juniors or seniors. In this I have only to follow the example set me by the Most Noble the late Governor of Bengal, and I should not be startled by the result, even though it should in some instances, and I believe they would not be frequent, place "the young man at the top and the old man at the bottom." In such cases we might miss something of the weight of experience, but we should gain that which would be accepted as a reasonable compensation. And in any event such instances would assuredly be exceptional.

14. Adopting, therefore, the reasons for the measure assigned in the papers submitted to the Supreme Government by Lord Dalhousie, in April last, I am strongly in favour of uniting in the whole of the Lower Provinces of Bengal, as they are united already in many parts of those provinces, and everywhere else in British India, the offices of magistrate and collector. If it be still objected that the union will not cure every evil now attributed to our police system, I must answer—certainly it will not. Nor is it intended to cure them. But it will assuredly do what it was expected to do by Lord Dalhousie when he proposed it; and it is no sound objection that it will not do that for which it was never meant.

15. Regarding the other changes proposed, I shall state my opinion very briefly. I very warmly assent to the proposition for a grade of chief provincial judges, and I earnestly hope this may speedily be adopted. I agree entirely with the Honourable Member of Council, whose minute I have been considering, in objecting to that part of the proposed changes which would place the judge on an equality with the collector-magistrate. I cannot add to, and I would not diminish aught of the force with which the objections to this plan are stated by the Honourable Member. The zillah judges may well be left on their present

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footing as to salary. To the collector-magistrate it will be sufficient to assign 2,000 a month.

16. I go entirely with the Honourable Member in his objections to the proposal for placing the judge under the commissicner of revenue and police.

17. I think it will be very expedient to extend the field of education of assistants, by making them do duty under the judge as well as under the magistrate and collector. But without a considerable increase to the number of the assistants, I doubt if this plan would in practice come to much effect.

18. The proposition to keep the judicial and executive line separate, after a certain rank attained, sounds very wholesome. I doubt, however, if there be as much in it as there seems to be. Looking back to the Sudder bench for some years, no one will say that the worst judges have been those taken immediately from the executive branch of the service. The plan is proposed by the Most Noble the Governor of Bengal, with a large margin for exceptions (see paragraph 14 of the letter to the Government of India of the 28th April last), and with that ample margin, I am very willing to adopt it. But I should be prepared to see the exceptions sometimes swallow up the rule.

19. It may be expected that I should submit my opinion on the comprehensive plan proposed in the latter part of the Minute of the Honourable Member of Council in substitution of that of Lord Dalhousie.

20. With regard, then, to the arrangement and employment of the covenanted officers under the plan in question, I have to remark, that it is too expensive to be worked at present.

21. The plan which at present exists employs 98 officers, at an expense of 19,23,600 rupees per annum.

22. The plan proposed by Lord Dalhousie would employ 97 officers, at an expense of 19,34,400 rupees.

23. The plan proposed by the Honourable Member; assuming that he would maintain the number of judges* as now, on the same salary; and assuming also, that the intention of his plan is to put a magistrate and a collector, and a junior officer, on 700 per mensem, as their lieutenant, at every† one of the 36 stations, would employ 134 officers, at a cost of 23,78,400 rupees.

24. My plan would involve scarce any change in the number of officers now employed, or in the amount expended, but would slightly reduce both. I would make all the present larger collectorships, 22 in number, collector-magistracies on 24,000 per annum. I would make all the smaller collectorships, such as Monghyr or Beerbhoom, and all the independent joint-magistracies and deputy-collectorships, such as Pubna or Malda, collector-magistracies on 18,000. The total number of these would be eleven. (This would accord with the principle of the Honourable Member's plan of gradations of magistrates and collectors). The Cuttack collector-magistracies, which are also salt agencies, I would leave as at present, viz., 3 on 28,000. I would have 22 joint-magistrates and deputy-collectors on the present salaries of magistrates, viz., 10,800, and, as at present, 11 such officers on the lower salary of 8,400. My total of officers employed would be 96, and the expense 19,20,000.‡

25. I highly applaud and assent to all that part of the Honourable Member's scheme which relates to the location in the Mofussil of judicial and executive officers, instead of crowding them in zillah stations. This system has already been commenced, and it is most desirable that it should be extended. I have lately conferred on this subject with the very intelligent Commissioner of the Benares Division (under the North-western Provinces), and I am satisfied that the better mofussil administration which undoubtedly prevails in those Provinces, as compared with the Lower Provinces, is mainly owing to the general location of trustworthy

* On this point, see close of para. 33.

+ See also close of para. 33, but compare para. 36.

‡ Throughout these comparisons, the collectorate of Calcutta and the magistracy of Howrah are omitted on all sides. The former is no more to be included than the chief magistracy of Calcutta, and the latter is a specialty, being a district without any revenue duties annexed.

trustworthy agents in the interior of districts there—an advantage which is very much to be desired in Bengal. Mr. Tucker is of opinion, and I entirely agree with him, that it would be a great improvement if the subordinate mofussil officers were in all things subject to the collector-magistrate at the zillah station. At present the chain of subordination is broken in the criminal or magisterial line by directing the appeal from deputy or assistant magistrates in the interior, not to the zillah magistrate, but to the sessions judge.

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26. I should gladly see our zillahs divided into convenient subdivisions, each under a deputy or assistant, covenanted or uncovenanted, authorised to act both as a revenue and magisterial functionary, and subject in both branches to the control of the collector-magistrate at the zillah station. Under these subdivisional functionaries, would be the darogahs of police. Such an organisation would, I am well assured, go near to prevent such hideous oppression as I lately found grinding down a large territory and driving the Ryots into Nepaul from the Zemindarree of the Rajah of Bettia; and it would do in the Lower Provinces what we are assured it has done or is doing in the Upper.

27. That it is necessary, abundantly necessary, to strengthen our subordinate police, is a fact on which the Honourable Member of Council has dwelt with a force of statement and argument to which all who know the country will give their ready assent. Not only are our thannah establishments too few for the absolute wants of the country, but, excepting the darogahs, they are paid so as almost to justify corruption. When a mohurir of a thannah is paid seven rupees a month, a jemadar eight, and burkundauzes 3-8 and 4, we may write and talk as we will, but no native can believe that we really set our faces against abuse. It is an especial disadvantage of this scale of payment that it forbids the introduction of a better class of men into the police. Our darogahs are now well paid, and their office may now lead to distinction and honour. But an inexperienced man however well educated, cannot be employed as a darogah. To become a good darogah, a man should first serve as a good darogah's deputy. This can only be by entering the service as a mohurir on seven rupees a month; and how is it possible that a man of good education and honest intentions can take such an office, or taking it, fail to make shipwreck of his honesty?

28. The sooner this system of payment is changed, the better; and I quite agree with the Honourable Member that, until this change is made, no striking improvement can be expected in the police. But I know not how long it may be before the Government is able to carry an improvement into effect which will involve so large an expense. Meanwhile, I see no reason for delaying minor improvements, which will cost little or nothing. To concentrate the executive power of a district in the hand of one collector-magistrate, will cost nothing, and might be done, if the Supreme Government would permit it, directly. To organise the subordinate establishments, covenanted and uncovenanted, and locate them in fit places in the interior, would cost what, in comparison with other proposals, might be called next to nothing, and might be done in the course of this year. And it would be a task on which, had I but the instructions of the Supreme Government, I should enter with the utmost confidence and alacrity.

(signed) *F. J. Halliday.*

Neamutpore, G. T. Road,
1 March 1855.

EXTRACT from a Report in the Hurkaru Newspaper of the Remarks made by the Lieutenant-Governor of Bengal on the occasion of receiving a deputation of Indigo Planters, 10 November 1854.

"THE great desire for appeal in these cases arises, no doubt, from the general feeling of the youth and comparative inexperience of the magistrates; and this, I admit, is a legitimate cause of doubt, and sometimes of dissatisfaction. But I can inform you that the Government have under consideration a plan for remedying this, by a return to the system of collector-magistrates. This, it is probable, will in time be generally carried into effect. But I have reason to hope that it will very speedily be effected in the chief indigo districts; and I have

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with me the Jessore committee, and even, I think, most of the gentlemen present, when I state my opinion, that this measure, by assigning the powers of the proposed Act to officers of greater experience, will render the appeal unnecessary, and will remove much of the objection now taken to the Bill."

(A true copy.)

(signed) *A. W. Russell*,
Under-Secretary to the Government of Bengal.

No. 10.
Minute by the
Hon. Mr. Grant,
8 May 1855.

— No. 10. —

MINUTE by the Honourable Mr. *Grant*.

Proposed Reorganisation of the System of Civil Administration in Bengal;
including the Reunion of the Offices of Collector and Magistrate.

Dated the 8th May 1855.

1. THE Honourable the Lieutenant-Governor of Bengal has sent up his views upon this question, which was raised before His Honor's Government was formed.

Having very fully explained my opinions upon the original project, in a Minute recorded under date the 23d of November 1854, and having therein set forth generally, but at some length, a project of my own, in my preference to which I am constant, by way of modification of the original proposal, I have not much new matter to place upon record on this occasion. I must, however, make some remarks upon the Honourable Lieutenant-Governor's Minute, chiefly in order to correct some mistakes into which his Honor has fallen in regard to positions taken up and arguments used by me. For, otherwise, I fear that those who have read my minute some time ago, and who might not be inclined to refer to it again in order to check in every point, by comparison with the record itself, the representation of its opinions and arguments contained in his Honor's criticism, might be misled in some points, much to the disadvantage of my side of this important question.

2. In the 2d paragraph of the Lieutenant-Governor's Minute these words occur:—"Before that time (1838 or 1839, when magistracies and collectorships began to be divided) the system in Bengal had been the same as it now is, and long has been, in the North-western Provinces, in Bombay, in Madras, in the Punjab, in Burmah, in all the Non-regulation Provinces,—in short, all over British India; viz., the collectorship and magistracy were united in the hands of one officer." To any one not personally acquainted with the minute history of our changes of system in Bengal, the inference from reading this passage would naturally be that the system by which these two offices are united, not only was the system in force at the moment when the change of 1838 or 1839 was commenced, but long had been the system in force in Bengal (and in the North-western Provinces), in the same manner as it then "long had been" the system in force in Bombay, Madras, &c. To prevent any such mistaken inference, I must beg that a reference may be made to paragraph 4 of my Minute, where the history of the change is given. The union system in Bengal has no claim ever to have been a time-honoured institution, swept away by unpractised theorists and rash innovators in 1838. It was first introduced in Bengal about 1830 or 1831; and after a trial of seven years, it was weighed in the balance and found wanting by a police committee, which, after careful inquiry, reported against it in 1838, as being an experiment which had failed. That police committee comprised many able men, and amongst them none abler than Mr. Halliday, the present Lieutenant-Governor of Bengal.

3. In paragraph 5 of his Minute the Lieutenant-Governor writes thus:—"The union of the two offices seems, however, to have been viewed in the Minute before me as if Lord Dalhousie had proposed it as a cure for all existing evils in the police. And this being assumed, it is shown with great success that it can have no such universal effect:" and then his Honor proceeds to say that this view of Lord Dalhousie's proposal was unwarranted. Certainly, if any such view of Lord Dalhousie's proposal had been taken by me, it would have been
unwarranted,

unwarranted, and, being unwarranted, it would have been culpable. But I never took any such view. I never imputed absurdity to the reasoning by which the proposal was supported; and on a careful reperusal of what I wrote, I am sure that, but for a thorough misapprehension of my whole argument, no such view would have been attributed to me. Substantially my argument was this. I laid down the position that a change of system, even though the new one may be better in itself than the old one, is an evil, inasmuch as it is a change, and that this evil should not be incurred for any other than a material advantage. I said, "In my opinion it is generally worth while to make a change of system when that change removes material faults of principle, in what affects the foundations of a good administration. But I must confess myself to be slow to be convinced of the expediency of changes of system, which affect the outside and the form of things, but leave essential errors exactly where they were." In this position I fortified myself by authority. I proceeded by endeavouring to show that the proposed union of offices was at best a change of system affecting "the outside and the form of things," which could not, therefore, involve a material advantage. I went on to argue that, system for system, the proposed system was in itself open to grave objection. Now, this view may be right or wrong, but it has nothing either of the disrespectful or of the absurd character of the view imputed to me.

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4. The Lieutenant-Governor has corrected a mistake into which I (and not I alone) have fallen in attributing to him the expression, before an assembly of indigo planters, of an opinion that the union of the offices of magistrate and collector would be "a great measure of practical reform": and he has shown that he said no more upon that occasion than that this union would remove the objection often taken to the youth of magistrates. I regret very much having fallen into this error, which was caused by my omitting to refer to the printed report of the Conference. I hope, when a reply is made to the Bengal Government, that there will be no objection to its conveying an expression of this regret to his Honor.

5. I must be allowed, however, in justice to my cause, to claim for my side of the question the support which the correction of my mistake has given to it. If the Lieutenant-Governor, who is in favour of the union, is careful to correct an erroneous belief of his having expressed an opinion that it would be a measure of great practical reform, those who, like the authorities I have quoted, object to changes of system except for objects of great practical reform, should be strengthened by the Lieutenant-Governor's opinion in their opposition to the measure.

6. In paragraph 11 of the Lieutenant-Governor's Minute, the following argument is used:—"To the present system, under which, as it has hitherto been worked, a proportion of such men have been, and, if the system be continued, will be magistrates without experience, the Honourable Member sees no objection." "But to the proposed system under which a like proportion will be magistrates, after having had experience, he has insuperable objections." Upon this I have to remark that I did see, and I do see, objection, and material objection, to the present system; and I beg to refer to paragraphs 8 to 11 of my Minute, where I have stated my objection in language which I should have thought strong and explicit enough. I admitted the justice of the objection of inexperience; I designated the system in its present shape as "strange and indefensible;" and I said there was a "glaring error" in the manner in which the system had been established. Because, nevertheless, I thought the mere reunion of the offices would make matters worse, I ought not to have been treated as seeing "no objection" to a system, the errors of which I had been at so much pains to bring into broad daylight.

7. Having been obliged, in order to set my argument once more upon its own legs, to take up so much space, I will endeavour to compress as much as possible what I have to say, by way of rejoinder, in support of the view I take of the question of the reunion of these offices.

8. I find only one argument to answer. It is maintained (see paragraphs 8 and 9 of the Lieutenant-Governor's Minute), that though it were successfully made out, which is not admitted, that the union of fiscal and criminal powers in

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one man is unsound in theory, it is successful in practice all over India, except in Bengal, and ought, therefore, to be at least as successful in practice in Bengal, where the collectors have less to do than elsewhere.

9. In paragraph 10 of my Minute I anticipated this argument, and, as the remarks there made remain unanswered, I need not recur to them. The examples of new provinces, such as the Punjaub, Pegu, and Nagpore, are now pressed into the service, and not only these provinces, but such wilds as Assam and the S.W. Frontier agency are treated as fit to become examples for the administration of the richest parts of Bengal. This is as though the civil administration of Middlesex should be modelled after that of the Isle of Skye. Surely no one doubts that poor countries and scanty populations must be governed in a manner conformable to their requirements, and to their means of paying for government; and that semi-barbarous people do not require the same expensive and refined system of administration as highly civilised people. And surely there is one method for people beginning to be broken into civilised government, and another method for people who have been under our laws for several generations. Besides it is inconsistent to stop here in this argument. Why does not the Lieutenant-Governor carry out his theory, and recommend the Calcutta police magistrates all to be appointed also collectors of abkaree and house-tax? If we are to remodel the administrative system of a Bengal zillah, with its immense real and personal wealth, its rich talookdars, its zemindars, and its English planters, after the system appropriate for our latest acquisitions, we should unite the offices not only of the collector and the magistrate; but also always that of the judge, and often that of the military commandant, in the same person.

10. But if we are to make this appeal from theory to practice, as our present business is only with Bengal, why is the appeal so carefully confined to all other parts of India, except Bengal, when we have actual experience in Bengal itself to appeal to? Why is the fact that we have such experience in Bengal itself so carefully kept out of sight? In a despatch from Bengal, I do not think this fact should have been ignored.

11. The Police Committee of 1838, though I was not a member of it, was too noted a subject in the history of the Bengal police to have been forgotten by me; I have, therefore, sent for the printed report of that Committee, which I circulate with this Minute. I request particular attention to paras. 8 to 12 of that Report, which are devoted to this particular subject.

12. That Committee not only took into its consideration a mass of official returns, which had been called for by Government, it sought "for information on a more enlarged scale, especially from private individuals, native as well as European, who had resided or were still residing in the interior, and whose local knowledge and experience in different parts of the country qualified them for giving the most valuable information."* The effect of the union of the offices of magistrate and collector was the first point to which the Committee in their Report adverted. They commence their remarks on this point with these words: "To the union of the office of magistrate and collector, injurious effects are generally attributed."† They quote, with approval, the opinion of an officer who writes: "In some districts, it (the police) is made over entirely to the deputy and joint magistrate; and where this is the case, I have generally observed that the duty is much better done."‡ The Committee themselves say: "We doubt much if, in the settled provinces, where the revenue is realised by the process of sale, and the collectors have little communication with the agricultural community but such as must unavoidably render them unpopular, any advantage is derived by the police from the conjoined influence of the collector, or if the greater experience available for the magistracy by means of that conjunction is not more than counterbalanced by the inconveniences resulting from it."§ So far the Committee report unanimously. They proceed to say: "The majority of the Committee, in concurrence with almost the whole of the gentlemen, both in and out of the service, who have been asked their opinions on the subject, think decidedly, that the efficiency of both departments would

* Report, para. 2, p. 1.

† Para. 8, p. 3.

‡ Para. 9, p. 3.

§ Para. 10, p. 4.

would be much better secured, generally speaking, by entrusting the superintendence of each to a distinct functionary. We are of opinion that their attention would be less distracted by conflicting duties; that each would then be individually responsible for his own department, and enjoy the whole credit of his own exertions. And it will not be the least of the advantages resulting from such an arrangement, that no idle or incompetent person could then be long tolerated in either situation.”*

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13. To show the nature of the utmost possible difference of opinion there can have been between the majority and minority of the Committee upon this point, I will here cite the explanatory note with which the only two members who signed the Report in a qualified manner, namely, Mr. Lewis and Mr. Halliday, accompanied their signatures: “We have signed this Report, not because we agree in its contents, for we have made other propositions in a Minute rendered in the Appendix, but because, being overruled by the majority in respect to our own suggestions, we think those contained in this Report the next best.”†

14. The only gentleman who at any time took a part in the labour of the Committee, and who in any degree supported the union of the offices, was Mr. T. C. Scott. Another member, who left the country before the Report was signed, was Mr. D. C. Smyth, who had the reputation of being quite the best, as he was one of the most experienced magistrates in Bengal. He recorded his opinion of the disjunction of the offices in these words: “I consider this division of labour to be indispensably necessary as a preliminary arrangement, and until this suggestion (the recommendation of the Committee to disjoin the offices) is carried into effect, I do not anticipate any improvement in the state of the police.”‡

15. Mr. F. C. Smyth, at that time superintendent of police, thus records the result of his experience: “Nothing can be worse than the union. It is wrong in theory and evil in practice. I need not say anything more on this subject, as I believe out of Calcutta the opinions of the service are unanimous.”§

16. Mr. Halliday, with whom is Mr. Lewis (and in whose opinion upon this point, as he then thought, I entirely agree), went further. He would not only have taken away from magistrates their fiscal functions, he would have taken from them also their criminal judicial functions, leaving them simply heads of police. He wrote: “The union of magistrate and collector has been stigmatised as incompatible, but the junction of thief-catcher with judge is surely more anomalous in theory, and more mischievous in practice.”||

17. In accordance with the recommendation of the Committee, the Bengal Government commenced upon the disjunction of the offices, which measure was completed in a short time. Such was the judgment pronounced upon the union, after an experience of its effects for seven or eight years. Such is the result of that appeal from theory to practice, which has been insisted upon.

18. I beg it to be understood, that although the result of the mature consideration which I was obliged to give to this question of system, when I came to write a formal minute upon it, and of the perusal of the judgment passed upon one of the rival systems, after adequate trial, in 1838, has been to convince me that the system of the union of the offices is, in Bengal, the worse of the two, I do not rest my main objection to the proposed change of system upon that conviction. Many, who I know may be in the right, differ from me in this view; and upon this point my own mind was almost in a state of indifference when I began to examine the question. We are all apt to magnify the evils before us at the moment, and to connect them more than the facts warrant with the present system, whatever it is. Perhaps the Committee of 1838 magnified the evils then before their eyes; attributed them more to the system than could fairly have been attributable to any mere system; and were too ready to flee from evils that they knew, to evils that they knew not of: as I believe many of us
now

* Para. 12, p. 4.

† Report, para. 30.

‡ Appendix, p. v.

§ Appendix, p. xi.

|| Appendix, p. xx.

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now magnify the evils before our eyes, and attribute them, more or less unfairly, to mere system ; and are too ready to flee to evils which, if it cannot be said that we knew not of them, it must be said (of some of us at least) that we have forgotten them. Let it be taken, that without other fundamental reforms, either system better administered would be better than the other, administered as either has yet been : that merely as systems, it is, as the saying is, six of one and half a dozen of the other. I wish to give the Lieutenant-Governor's recommendation every advantage. I will therefore grant him that he and his colleagues, and his Government had no solid ground for what they recommended, and what they did, in 1838 and 1839. As that recommendation was the result of extensive and special inquiry made, and of much evidence taken, and as it was the result of the joint deliberation of many experienced officers, I think I do not claim more, in return, than unprejudiced people will generally grant me, when I say that the present recommendation, not being the result of any such special measures, cannot at present claim any more solid ground. There was a stir about the badness of the police in 1838. Mr. Halliday then recommended the disunion of the offices of magistrate and collector, which was effected. There is a cry about the badness of the police now. Mr. Halliday now "strongly recommends" the union of the offices of magistrate and collector. Are we never to get out of this round ? Can it be right in the Government of this great country to spend its time and its energy, and the time and energy of its officers, always in turning half a dozen into six, and then in turning six back again into half a dozen ?

19. I am sure that in the high quarter in which this proposal was first approved, if I have succeeded in showing that the change is not materially for the better, I shall have done all that is necessary for my case there.

20. As to my general objections to change for the sake of change, I have written at greater length, and more earnestly, than many will think appropriate to the occasion. But I have here desired to record once for all my protest against a method of administration which has been, in my opinion, too rife in this country, for the last quarter of a century.

21. Every one who takes this line must make up his mind to be charged as an obstructor of measures of improvement. But I have given earnest of my not being bigoted to the existing state of things, which in the matter of police and criminal justice I have disapproved of in strong language, for reasons assigned. I ask for the consideration of those reasons; and if they are admitted to be valid, I ask for such a reform as will really meet the evil. I have objected, for reasons assigned, to many parts of the scheme of reform submitted from Bengal. If these reasons are invalid, the sooner my objection is overruled the better. If they are not invalid, something more must be done. I have shown that I am no mere objector, by proposing a scheme which professes to be complete in itself, for the reform of the Bengal Administration, in respect both to police and criminal justice. I pledge myself to the practicability of this scheme, and to its facility of introduction; and I affirm, that every one who will thoroughly acquaint himself with what the true evils of the present state of things are, will admit that my scheme of reform goes to the root of them all, and that nothing short of it will do so. If so much is admitted, I maintain either that this whole scheme should be immediately introduced, or that some other more efficient, and of course more costly, scheme should be immediately introduced. I maintain that so great is the evil, that no scheme that does not go to the root of it should be looked at; for as a question of national economy, it is not possible that the continuance of such a state of things as exists in such a populous and wealthy country as Bengal, can be otherwise, in reality, than extravagant and wasteful in the highest degree.

22. The Lieutenant-Governor mistakes the character of my plan, when he observes, that in the salaries of covenanted officers it will be more expensive than the present plan. There are now 37 officers, who are, in fact, district magistrates.* There are now only 26 zillah judges. My scheme, generally speaking, will

[illegible]

will not require more magistrates than there are judges ; because the magistrates will be merely superintendents of district police. It does not affect collectors at all, but will certainly make it easy to reduce either the numbers or the salaries, or both, of the collectors and magistrates, and of the joint magistrates and deputy collectors. Besides, it is only necessary to alter the proportions of the several grades, to make the expense of the plan as much or as little as is desired.

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23. The reduction of the number of magistrates by 10 or 11 will have the real effect of throwing back promotion to the office, and so of increasing the experience of the youngest magistrate by nearly two years. The equalisation of the salaries of magistrates and collectors will have the real effect of doubling the experience of the oldest magistrate. Here, then, the objection to the general inexperience of the magistrates is met by more than doubling their present experience, without making any union of incongruous duties for that purpose.

24. I disagree with the Lieutenant-Governor in thinking that the union of offices is not inconsistent with the further reforms I propose, or any of them. Under my system, the zillah magistrate will be over his whole zillah what the chief magistrate of Calcutta, who tries very few cases, would be in Calcutta if he tried no cases at all. Nobody, in that event, would think of doubling the chief magistrate's work, by giving him fiscal duties. With fiscal duties to occupy half his time, and to call him from his police work, perhaps at the very moment when it is most essential to that work that he should be attending to it only, it would be absolutely impossible for any one man himself so to control all the police darogahs and deputy magistrates of a zillah, and himself so to manage the great business of keeping the peace, and bringing criminals to justice, in a Bengal district, as the plan essentially requires.

25. I disagree fundamentally with the Lieutenant-Governor on the question of the sufficiency or insufficiency of the pay of the police darogahs. His Honor thinks the police darogahs in Bengal are now sufficiently paid. I think they are most insufficiently paid. There are now 527 darogahs on the average pay of less than 60 rupees a month.* A darogah cannot do his work without a horse, a palankeen, or some conveyance. He can hardly keep a conveyance for less than 20 rupees a month. His constant locomotion must entail other constant expenses upon him. He is in a position which makes him more likely to be tempted, and less likely, if corrupt, to be detected than any other native officer. Upon his conduct, the happiness of the people, and the security of their property, real and personal, in effect more greatly depends than upon that of any other native officer. How, even if we had no experience to guide us, any one could maintain that 50 rupees a month, with prospects worth something less than 10 rupees a month more, is sufficient pay for this class, I do not understand.

26. But what does experience teach us? Before the Police Committee's Report of 1838 the police darogahs received 25 rupees a month. Perhaps some people thought them then sufficiently paid. Whatever may have been thought of their pay, their character then was so bad, that it is hardly describable in words. No one seriously denies that it has been generally improved by the increase of pay granted in 1839. It is even asserted by some, that a few somewhat respectable darogahs actually exist. But no person, European or native, capable by personal experience of being a witness on such a question, is to be found, who will say that the general character of this class of officers is not very bad now. This fact is certain.

27. The Lieutenant-Governor, therefore, unless he is prepared to maintain the general excellence of the darogahs, as a class, which I treat as impossible, must maintain

				Total Salary per Menssem.		
* 50	First Grade Darogahs at	100	- - -	- - -	5,000	
100	Second " "	75	- - -	- - -	7,500	
377	Third " "	50	- - -	- - -	18,850	
527					31,350	
Average per Darogah				- - -	Rs. a. p.	
				- - -	59 7 9	

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maintain that competency, and fair prospects of rising by merit to high rank and emoluments, will not have the same good effect upon this class, which it has had on native judges, deputy collectors, deputy magistrates, and sub-assistants. Why it should be imagined that this should be so, I am at a loss to conceive. I am myself quite sure that it will not be so.

28. I have advised a reduction in the very large increase of pay proposed by the Bengal Government for native judges; which, if agreed to, will afford material assistance in raising the pay of police darogahs. By adopting a system of head darogahs, each with, say three deputy darogahs subordinate to him, I believe the great object of having all the thannah police under an officer of real respectability, not too far off to be useless, will most chiefly be attained. But a new class of officers, as assistant darogahs, must be provided; and upon the whole, if we really intend to do any good, we must make up our minds to a large increase of outlay upon this important class of officers.

29. Making the head darogahs a body of men equal in general respectability to the class of moonsiffs, will be an immense step in itself. But as far as dacoities, affrays, and forcible entries are concerned, nothing can be done without an effective body of police peons. The main expense of any rational reform of the police will be in this particular.

30. The subdivision of districts, and the grant of criminal judicial powers to the native judges dispersed through each subdivision, will cost little; nothing, in short, beyond any augmentation in the number of judges, which in some places may be requisite.

31. It is unnecessary to enter into more minute details till the principle of my scheme generally shall have been pronounced upon.

8 May 1855.

(signed) J. P. Grant.

No. 11.
Minute by the
Hon. Mr. Dorin.
11 May 1855.

No. 11.

MINUTE by the Honourable Mr. Dorin.

Improvement in the System of Civil Administration in Bengal, including the Reunion of the Offices of Collector and Magistrate, and the Augmentation of the Pay of Native Judges.

Dated 11 May 1855.

THESE subjects have been so fully discussed in the papers and minutes now circulated, that I think nothing remains but to refer them for the ultimate decision of the Most Noble the Governor-General.

I wish I could add that our financial prospects justify the expectation that we can afford to incur much present expense, either in the improvement of the police, or the augmentation of the pay of our native judges; but unfortunately this is not the case.

With projects for fresh outlay constantly before us, and these appeals for the correction of the general administration of the country that can hardly be resisted, we find ourselves with an excess of expenditure over income largely increasing, and which in the present year, or rather I should say the year just past, is estimated to amount to no less a sum than two millions and three quarters sterling.

This fact has recently been so palpably before us, and the probability of relief is so uncertain, that it is impossible to overlook it in considering the important questions now under discussion.

Dated 11 May 1855.

(signed) J. Dorin.

— No. 12. —

MINUTE by the Honourable General *Low*.

Proposed Reorganisation of the System of Civil Administration in Bengal,
including the Reunion of the Offices of Collector and Magistrate.

No. 12.
Minute by the
Hon. Gen. Low.
19 May 1855.

Dated 19 May 1855.

I HAVE no doubt that the duties of magistrate of a district can be well performed in Bengal, as we know them to be in other parts of India, by an European officer who also holds the office of collector of revenue, provided that he has a sufficient number of zealous and trustworthy men to execute his orders; but if Government can afford to give adequate salaries to both, I think, for the reasons so well stated by our honourable colleague Mr. Grant, that it would be a more permanently effective measure to keep the very different sort of duties and pursuits of collector and magistrate in the hands of two separate officers; so that each of them may have the power to devote his whole time to his own line of employment, an object which in the case of the magistrate is in a peculiar degree desirable.

But the magisterial work of a district, in a large sense of that expression, can never be thoroughly well done till we shall have an efficient body of native police officers, down to the peons; and I fear that many years must yet elapse before such an improvement in the moral feelings and the habits of the inhabitants generally of Bengal shall have been brought about, as to render it possible for us to have a complete set of good police native officers of all grades in any one district; that is no reason, however, why we should not persevere in our endeavours to find, or to form, such instruments as we require; on the contrary, we are bound in honour to do our utmost to effect that most desirable change in our native police officers; and I know no plan, so far as it goes, so likely to be successful towards the ultimate attainment of that object, as that which is so well described in the 34th paragraph of the report, dated Calcutta, 18 August 1838, by the commission, of which Mr. W. W. Bird was the chairman, and of which, for convenient reference, I herewith subjoin a copy.

19 May 1855.

(signed) *J. Low*.

Paragraph 34.—“ From all this most unquestionable testimony, it is obvious that the allowances of this class of officers, not being sufficient to enable them to keep up an appearance corresponding with their situation, they must take, in some shape or other, from the people what the Government refuse to allow, and thus the Government, in fact, impose upon the community the payment of whatever sum, short of the allowed salary, is necessary for their decent subsistence. An increase to that extent, therefore, if only to remove a fair justification for exaction, seems indispensably requisite. Moreover, it is impossible to expect in thannadars an exemption from those motives and feelings which actuate all other classes of mankind, and accordingly the same rewards and inducements must be laid before them. If it be necessary to retain the services of respectable natives for these appointments, not only should their salaries be increased to such amount as will enable them to keep up at least a creditable appearance without exaction, but they must have something to look forward to; and despair of ever being able, by any exertion or good conduct on their part to better their situation beyond the actual receipt of 25 rupees a month, must no longer be allowed to drive them to make the most of their opportunities. Grades of thannadars should be established in the same manner as there are classes of moonsiffs and sudder ameens, promotion to the higher grades being held out as the reward of length of service and certified good conduct. Such system has been found to succeed in the judicial department, and there is no reason to doubt that it would be equally successful with the police.”

No. 13.
Minute by the
Hon. B. Peacock.
15 May 1856.

— No. 13. —

MINUTE by the Honourable B. Peacock.

Proposed Reorganisation of the System of Administration in Bengal, including the Reunion of the Offices of Collector and Magistrate.

Dated 15 May 1856.

I HAVE read the whole of the papers connected with this subject with that care and attention which the importance of it demands.

It appears to me that in theory the union of the offices of collector and magistrate is extremely objectionable; and judging from the practical operation of it during the short period in which the system was in force in the Lower Provinces of Bengal, I think that it would not be wise to revert to it.

From the year 1780 to 1787 the offices of judge and collector were held by different persons. But in the latter year it was resolved that the office of judge should be held by the person who had charge of the revenue, and from that time until the year 1793 the several duties of collector, judge, and magistrate were discharged by the collector.

In 1793 the Marquis Cornwallis determined to vest the duties of collecting the revenue and of administering justice in separate officers. In his minute upon that occasion he made the following remarks: "There is no class of men which Government should watch with greater jealousy, and over whom the regulations should have a stricter control than the officers who are intrusted with the collection of the revenue. It is necessary to arm them with powers to enforce their demands in the first instance, otherwise individuals, under the pretext of disputing the justness of it, might protract the payment of what is due from them, and render the collection of the public revenue either impracticable or an endless source of trouble and litigation. But to prevent the abuse of this power there should be courts of justice ready to punish oppression and exaction, and the people must be satisfied that the remedy will be certain and effectual, and that it can be expeditiously obtained. Accordingly, by Regulation 2, 1793, the office of collector was separated from that of judge and magistrate, and it was not until after the year 1821, viz. about the year 1829, that the offices of collector and magistrate were again united under the provisions of Regulation 4 of 1821. Many of the reasons which were assigned in the preamble of Regulation 2 of 1793, for withdrawing from the collectors their judicial powers may be now urged with equal force against reinvesting them with that portion of the judicial powers which are now vested in the magistrate, and which have been greatly increased since that date."

The following is an extract from the preamble of Regulation 2 of 1793:—

"Exclusive of the objections arising to these courts from their irregular summary, and often *ex parte* proceedings, and from the collectors being obliged to suspend the exercise of their judicial functions whenever they interfere with their financial duties, it is obvious that if the regulations for assessing and collecting the public revenue are infringed, the revenue officers must be the aggressors, and that individuals who have been wronged by them in one capacity can never hope to obtain redress from them in another."

"The collectors must not only be divested of the power of deciding upon their own acts, but must be rendered amenable for them to the courts of judicature, and collect the public dues subject to a personal prosecution for every exaction exceeding the amount which they are authorised to demand on behalf of the public, and for every deviation from the regulations prescribed for the collection of it."

The offices having been separated in 1793, and reunited in 1821, continued to be held by the same officer until they were again separated in consequence of the Report of the Police Committee presented in 1838.

In that Report, paragraph 8, the Committee say, "To the union of magistrate and collector injurious effects are generally attributed. The union which formerly existed between the offices of judge and magistrate was not so prejudicial, because police was the primary object with the judge and magistrate; but it has been secondary with the magistrate and collector. Civil business, it has been observed, could wait, but the Government cannot wait for its revenue.

In

In neither case is such a union desirable." In paragraph 12 they say, "The majority of the Committee, in concurrence with almost the whole of the gentlemen, both in and out of the service, who have been asked their opinions, think decidedly that the efficiency of both departments would be much better secured, generally speaking, by intrusting the superintendence of each to a distinct functionary." Mr. Smith in his Minute, Appendix C., remarks, "Nothing can be worse than the union. It is wrong in theory and evil in practice. I need not say more on this subject, as I believe out of Calcutta the opinions of the service are unanimous." With this experience I think the reunion would be taking a step in the wrong direction. There is a considerable difference between the revenue systems of Madras and Bengal; but I think it may not be out of place to refer to the remarks of the commissioners for the investigation of alleged cases of torture in Madras upon the subject of disuniting revenue and police functions.*

I concur with Mr. Grant in thinking that it would be objectionable to render the judge of the district subordinate to the Commissioner of Revenue and Police, or to equalise the salaries of the judge and of the collector.

(signed) *B. Peacock.*

15 May 1856.

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Minute by the
Hon. B. Peacock.
15 May 1856.

— No. 14. —

LETTER from *C. T. Buckland*, Esq., Junior Secretary to the Government of Bengal, to *Cecil Beadon*, Esq., Secretary to the Government of India, Home Department.

No. 14.
Letter from C. T.
Buckland, Esq., to
Cecil Beadon, Esq.
4 June 1856.

Judicial.—No. 1690.

Sir,

Dated Fort William, 4 June 1856.

I AM directed to forward, for the purpose of being laid before the Right Honourable the Governor-general of India in Council, the accompanying copy of a minute recorded by the Lieutenant-governor under date the 30th April last, together with its annexures, having reference to the improvement of the police and the administration of criminal justice in Bengal.

(signed) *C. T. Buckland*,
Junior Secretary to the Government of Bengal.

— No. 15. —

MINUTE by the Honourable the Lieutenant-Governor of Bengal.

POLICE AND CRIMINAL JUSTICE IN BENGAL.

Police.

For a long series of years complaints have been handed down from administration to administration regarding the badness of the mofussil police under the Government of Bengal, and as yet very little has been done to improve it. Such efforts as have occasionally been made for this purpose, have been usually insufficient to meet the greatness of the evil, partial remedies have failed to produce any extensive benefit, and during long intervals the Government has appeared to fold its hands in despair, and to attempt nothing new, because the last tried inadequate measure had ended in inevitable disappointment.

2. Meantime the ill success of our administration in this particular has been an endless theme of reproach to the Government, accompanied often by the grossest exaggerations, and very rarely by any sound and practical suggestions for

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* Paras. 79 to 86.

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for improvement.* And the weight and moral authority of the Government have undoubtedly been affected by continual invective on a subject regarding which, while little or no defence was attempted, the Government yet appeared indisposed to make any real effort towards reform.

Former Measures.

3. For what, after all, has been done to improve the police during the last 30 years?—We have ceased, it is true, to expect integrity from darogahs with inadequate salaries and large powers, surrounded by temptations and placed beyond the reach of practical control; and we have somewhat curtailed the excessive and unmanageable extent of our magistrates' jurisdictions by the gradual establishment of 33† subdivision magistrates. But beyond this, and not speaking at present of the special and peculiar machinery lately set up in a few districts for the suppression of dacoity, I know not what else has been attempted; and even with regard to these two instalments of improvement, the halting hesitating way in which they have been effected, has prevented the full benefit which might otherwise have been expected from them. Before the first of these improvements, our stipendiary police in the Regulation Provinces consisted of some 484 darogahs or thannadars scattered at distant intervals over a territory of 150,000 square miles, and a population of 35 million souls; being, say, one darogah, or superior police officer, to 309 square miles and 72,314 souls. Each of these potent functionaries was paid 25 rupees a month, avowedly less than he could live and move about upon; and each had under him, generally, a mohurir or clerk, and a jemadar or head constable, on salaries ranging from four to eight rupees a month each, but with powers equal on most occasions to those of the darogah himself. Subordinate to these, at each thannah, was an establishment of from 10 to 20 burkundauzes or constables, often deputed with large powers into the interior, and paid each man from 3-8 to 4 rupees a month, a salary notoriously inadequate. It was a step in the right direction; doubtless, when the Government of Lord Auckland determined thenceforth to pay no darogah less than 50 rupees per mensem, and to allow to 100 of the number 75 rupees, and to 50 of them 100 rupees per mensem. But the good of all this was tarnished by the omission to do anything for the lower grades of police officers. For it was impossible to become a good darogah without an apprenticeship; and when the apprenticeship was to be served in the midst of great power, great temptation, and the traditions of unavoidable corruption in the station of a thannah mohurir on 7 rupees a month, what was to be expected from such a training?—or how, train the darogah as you might, could you expect purity and integrity until you had cleansed away from about him the foul atmosphere of corruption necessarily engendered by the aggregation of ill-paid and unscrupulous underlings, with whom bribery and extortion were almost a necessity, and had long been the habit of their lives?

Recent Recommendation.

4. This great evil has been more than once commented upon by Mr. Dampier, the late superintendent of police, and a remedy proposed. I trust that it may now shortly undergo reform, as I last year submitted to the Government of India an earnest recommendation founded on Mr. Dampier's propositions for an increase to the salaries of mohurirs, jemadars, and burkundauzes by a system of gradation.‡ And unless financial difficulties interpose, I cannot doubt that this measure must ultimately be honoured by the approval of the Governor-General in Council. But if this be not granted, all thought for the improvement of the police will, I fear, be but thought thrown away.

* Several very valuable suggestions have been submitted to Government from time to time by the late superintendent of police, for the improvement of the system, and I shall have occasion to avail myself of them, more or less, in the measures I am about to propose.

† This is now the number of subdivisions in the Regulation Provinces.

‡ Full details of the proposed measure, and cogent arguments for its adoption, will be found in Mr. Grey's letter to the Government of India, No. 774, of 30 April 1855. It was proposed to divide mohurirs into three grades, on 30, 35, and 40 rupees per mensem. Jemadars into three grades, on 10, 15, and 20 rupees; and of the burkundauzes, one-fourth at 6 rupees per mensem; one-fourth on 5 rupees, and the rest on 4 rupees. The whole increased cost to be incurred would be 3,38,609 rupees per annum.

Subdivision Magistracies.

5. The establishment of subdivision magistracies had in it, doubtless, the elements of a very important reform, and as far as it has been yet carried has certainly effected much good. But as yet it has been carried to a very small and inadequate extent, and it has therefore seemed to the public eye almost to have operated as a failure. Beyond all doubt we shall ever fail to establish a good and trustworthy system of police unless, together with other improvements, we establish a close, constant, and vigorous control over our police agents, and a ready access to justice for all persons, so that the appeal of the weak against the strong may be at all times possible and effectual.

6. Throughout the length and breadth of this country the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money. The native police, therefore, unless it be closely and vigorously superintended by trustworthy officers, is sure to be a scourge to the country in exact proportion to its strength and power. For this indispensable superintendence no adequate provision has ever yet been made, nor can any provision be considered adequate which does not supply at least one capable and trustworthy magistrate for every two or at most every three thannahs. At present, however, our establishments do not comprise more than 70 executive magistrates, covenanted and uncovenanted, over four hundred and eighty-four* thannahs, being at the average rate of about seven and a quarter thannahs to each magistrate, a proportion much below what is requisite: and the distribution of even this number of magistrates is extremely irregular.

Village Chowkeydars.

7. Of the vast importance of the rural police, the village chowkeydars, and the strong necessity for fortifying and improving their character and position, there has never been but one opinion; and from as far back as 1784, down to the date of Lord Hastings' celebrated "Police Minute," and again from that time till the Police Committee of 1837, down to Mr. Dampier's frequent comments on the subject in his annual reports, all who have written or spoken on the subject have invariably urged the necessity of directing constant and vigilant attention to the preservation and improvement of this ancient institution of the country. Yet though more than one expedient for this purpose has been devised and discussed, nothing has ever been carried into execution; and it is a lamentable but unquestionable fact that the rural police, its position, character, and stability as a public institution, has in the Lower Provinces deteriorated during the last twenty years. It is now diminished in number, and impaired in efficiency, while its rights have been seriously and successfully attacked and undermined; so that, unless some speedy measures be taken to save it, it is in danger of perishing altogether from the face of the land, and passing out of use, if not out of remembrance.

8. Thirty years ago, the old opinion was still prevalent among the magistrates, an opinion handed down from the Dowdeswells, Elliots, Bayleys, and other magistrates of renown, that it was the highest duty of a magistrate to uphold the village police, to cause all vacancies to be properly filled, and to see to the fair payment of all members of the body. There is no doubt that these exertions were in those days effectual towards the object in view, and that the village police were kept from falling into decay by the determined and persevering interest shown by the magistrates in their behalf.

9. The manner in which Mr. W. B. Bayley, when magistrate of Burdwan, in 1811, exerted himself to keep up the efficiency of the village police, which has often been held up as an example to succeeding magistrates, has been explained by him in the following words, quoted from his report to Government of 1812:—"I explained," he says, "to the talookdars, munduls, &c., the necessity of giving a sufficient provision to their respective chowkeydars, and urged to them

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* I find this number of thannahs in the Regulation Provinces in the Appendix to the Circular Orders of the Superintendent of Police, printed in 1854.

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as strongly as I could, the advantage which would result to the prosperity of the country and its inhabitants, by furnishing to every chowkeydar such means of subsistence as might prevent them from committing thefts and robberies, in order to support themselves and their families. Upon this principle I have to the utmost of my power prevented all attempts on the part of the landholders, &c., to resume any portion of the Chakeran lands, or to remove or appoint any chowkeydar without a previous inquiry into their conduct and character by the magistrate."*

10. The great difficulty indeed, regarding the village police, which has been commented upon by all who have directed their attention to the subject since the beginning of the century, is that they are inadequately and uncertainly paid. They are kept in a permanent state of starvation, and though in former days magistrates battled for them with unwilling zemindars and villagers, and were encouraged by Government to do so, it has been discovered in later times that this is all against the law; and magistrates, contrary to the doctrine of earlier times, have been actually prohibited from interfering in favour of village watchmen, it being ruled that this is altogether an affair of the people themselves, who may pay watchmen or not, just as they think fit. Village watchmen are now declared to have no legal right to remuneration for service, and (the help of the magistrate being withdrawn) they have no power to enforce their rights even if they had any rights to enforce. Hence they are all thieves or robbers, or leagued with thieves and robbers, insomuch that when any one is robbed in a village, it is most probable that the first person suspected will be the village watchman.

11. Mr. Millet made a careful inquiry into the law on this subject in 1842, and came to the conclusion that it was optional with the zemindars and villagers to maintain the village police or not. I quote in the margin † a part of his Report to the Bengal Government on this subject.

12. Since that date, although very great advantage has been taken by the zemindars and others of the law as thus declared, to get rid of chowkeydars, and often to appropriate their old-established service lands, a slight check has been given to the progress of this deterioration by a decision of the Sudder Court, in April 1854, whereby it was decided that an obligation lay upon a zemindar to appoint to a vacant chowkeydarship. It was, however, not decided, and on the contrary, the judges were divided on the point, whether a magistrate could enforce this obligation by fine, without which the obligation may be little more than nominal, and if so, the condition of the chowkeydar is likely to remain as starved and helpless as ever. Yet, miserably impaired as the institution of the village police has become, it is still true that no police can be effective without their help, and that, as stated in the Minute of Lord Hastings, dated 2nd October 1815, "it is from the chowkeydars that all information of the character of individuals, of the haunts and intentions of robbers, and of everything necessary to forward the object of police, must ordinarily be obtained; they are the watch and patrol to which the community looks for its immediate protection, and on the occurrence of a crime the darogah's only mode of proceeding is to collect

* Mr. Bayley's Report to Government of 1812.

† It appears from the 12th Article of the Regulations of the 7th December 1792, and parts of the correspondence above extracted, that it was not the intention of the Government to interfere with the establishments of the common village police, further than by registration, and by placing them under the control of the darogahs, to make them more efficient auxiliaries to the Government police.

"That article was embodied in the Code as Section XIII., Regulation XXII., of 1793, and the registration of the village police, and in addition to them, of all watchmen or guards employed by individuals, was enforced by the penal provisions of Section XXI., Regulation XII., of 1807."

"Section XIII., Regulation XXII., of 1793, was rescinded by Section II., Regulation XX., of 1817, but re-enacted in substance and extended in Section XXI. of the same Regulation, although the landholders and other persons, to whom the right of nomination to vacancies in the village watch belong, are required to transmit the names of the persons they may appoint to the police darogahs; the law does not empower the magistrates to compel such nomination, or interfere respecting the allowances, whether in land or money, of the village chowkeydars actually employed, and the magistrates have been directed" (by order of the Nizamut Adawlut, 26 August 1831) "to confine their interference with the chowkeydars paid by the people, to those cases in which they are authorised to interfere by the existing Regulation." And Mr. Millet, in another part of the same Report, intimates his opinion, "that it is at the option of the zemindars and the cultivators to maintain or discharge the village chowkeydars."

collect the watchmen of all neighbouring villages, and to question them as to all the circumstances, with a view to get from them that information which they only can afford."

13. The village chowkeydars are, in short, the foundation of all possible police in this country, and upon their renovation, improvement, and stability depends the ultimate success of all our measures for the benefit of the country, in the prevention, detection, and punishment of crime. To what a state of corruption, however, this most important branch of the police system had fallen, was strongly illustrated by the late Mr. Bethune, in his Minute of the 27th May, 1851, of which the following is an extract :—

“The evidence I have seen of this is now thirteen years old, but the complaints recently made of outrageous dacoities, and acts of violence, point rather to a deterioration than to an improvement of the practical working of the system since that time. I took the following striking comparison from Speede’s Criminal Statistics of Bengal, in which some of the results obtained by the police commissioners in 1837 have been digested and arranged in a tabular form. The returns made to Government for the years 1833, 1834, 1835, 1836, show the average number of persons annually convicted for crimes and offence of all kinds in those years, to be 31,843;* and, taking the population of the districts to which these returns apply to have been 38,717,874, as estimated in the magistrates’ returns, the proportion is about 1 convict to 1,219 persons.

“The commissioners of 1837 obtained also a return of chowkeydars dismissed from the police force during the years 1835, 1836, 1837,† with the causes of dismissal. From this return, it appears that the whole number of chowkeydars (with the exception of six districts from which accounts had not been received when the table was compiled) was 1,30,305, and, therefore, were they no worse than the rest of the population, the number of persons among them guilty of every kind of offence known to the calendar, at the rate of 1 in 1,219, would be under 107 annually, or 321 in the three years included in the return. What were the facts? The whole number of chowkeydars dismissed for misbehaviour in those three years, instead of 321, is 1,130.

Of whom, for Murder and Thuggee	-	-	-	-	19
Burglary	-	-	-	-	39
Robbery and Theft	-	-	-	-	357
					415

that is to say—

“Nearly one-fourth more, in proportion to their number, for these heinous crimes, than were convicted in all the Lower Provinces of Bengal for all offences of every kind.

"The full complement of 1,130 is made up as follows:—

<i>Class 1st.</i>						
Murder and Thuggee	-	-	-	-	-	19
Burglary	-	-	-	-	-	39
Robbery and Theft	-	-	-	-	-	357
						415
<i>Class 2nd.</i>						
Embezzlement or Forgery	-	-	-	-	-	42
Perjury, False Evidence, or False Complaint	-	-	-	-	-	55
Bribery, Extortion, or Oppression	-	-	-	-	-	28
Affrays, Assaults, or Wounding	-	-	-	-	-	96
Accessaries to Crimes	-	-	-	-	-	70
Concealing Crimes or Aiding Escapes	-	-	-	-	-	178
						469
<i>Class 3rd.</i>						
Bad Character or suspected of Crime	-	-	-	-	-	246
						1,130

"I have

* Speede's Criminal Statistics, p. 149; ditto, p. 174.
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† Speede's Appendix, p. 7.

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"I have not included in this list—

31	dismissed for contumacy.
33	" " intoxication.
7	" " being asleep on duty.

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meaning only to select those offences which it is the direct object of a police force to prevent and discover."

It seems to me that this statement renders it superfluous to enumerate in detail the expressions of dissatisfaction, however strongly worded, of those who understand the working of the system. The whole is summed up by the commissioners in the following terms:—

"49. The most urgent necessity exists for a thorough revision throughout the country. The establishment (of village watchmen) is described not only as utterly useless for police purposes, but as a curse instead of a blessing to the community. Is even a question whether an order issued throughout the country to apprehend and confine them would not do more to put a stop to theft and robbery than any other measure that could be adopted."

14. Various plans have been proposed for amending this state of things, and a good deal of paper has been covered with written discussions regarding them, but nothing has ever been done; so that many persons have come to think it a thing impossible to do any good in that direction, and have ceased from all effort accordingly.

15. Not to disinter any more ancient projects of this kind, I will now go no further back than the last, which was a plan submitted to the old Legislative Council of India by the Marquis of Dalhousie, as Governor of Bengal, on the 11th July 1853, and which was intended to give to the Government of Bengal the power of extending the system of Regulation XXII., 1816, now applicable only to towns in which a covenanted magistrate is stationed, to all parts of the country at discretion. This, however, was objected to by the Honourable Mr. Peacock, on very valid grounds, as set forth in his Minute of the 6th March 1854, in which it was shown, conclusively, that the length to which the proposed law would go would involve a violation of the engagement entered into by Government at the time of the Permanent Settlement. Accordingly, the bill of Lord Dalhousie was modified, so as to exclude the rural police, and made to apply only to populous towns, stations, and bazaars, and in that shape is at this moment pending before the Legislative Council.* Regarding rural police, Mr. Peacock, while showing very strong reasons why it would be in his judgment impolitic to levy, as proposed by Lord Dalhousie's Bill, rent tax of 5 per cent. for

* As the establishment of this town police is a matter of great importance, and the method of taxing the inhabitants of towns for the purpose requires the most careful consideration, I desire to quote in this place the remarks I have addressed to the Legislative Council on the subject:—

"If the existing system be preserved, the Lieutenant-Governor would advise that the maximum limit of 2 rupees be abolished. He has found this very generally complained of as unjustly favouring the rich, and causing obvious and invidious inequality of taxation."

"The plan, however, which, in the Lieutenant-Governor's deliberate judgment, is the most suited to the people, and would nowhere be unpopular, would be a system of town duties, levied and managed by a head punchayet and a local collector, under the control and direction of the magistrate. This is a mode of taxation which the natives are quite accustomed to in their haunts and markets, which they accordingly prefer to any direct taxation, and under which they might gradually be induced to contribute more largely than would be required for mere watching; so as, without incurring unpopularity, to allow of the introduction of other municipal improvements into the principal towns."

"The present town chowkeydaree system, with its always ill-chosen, reluctant and jobbing punchayets, its favouritism and inequality, its inquisitorialness, its direct monthly calls for cash, its summonses, its notices and its harassing concomitants of distress and sale, is, the Lieutenant-Governor is thoroughly persuaded, one of the most unpopular institutions we ever forced upon the people, and of this, which is well known to the Lieutenant-Governor, from extensive personal inquiry and observation, the papers now submitted afford good proof. To extend this very unpopular system, will be very distasteful to the people; but since there ought to be a police in our large towns, and this police must be paid by means of a taxation of some kind, the Lieutenant-Governor would desire to record his conviction, that the safest and best way of doing this (at all events in the Lower Provinces of Bengal), and the way most acceptable, or at any rate least unacceptable, to the people, will be by re-introducing a system of town duties in a form modified to suit the occasion."

for the support of that establishment, added, "I would not exempt the owners or occupiers of land from any liability to contribute to the support of village watchmen which may attach to them according to the custom and usage which has prevailed in each village. The custom to maintain watchmen seems to have existed from the earliest times in every village. I cannot think that it could ever have been intended that the maintenance of that class of officers should fall into disuse, or be considered as merely optional with those who have always contributed to their support. Where lands have been appropriated to their support, they should continue to be so. Where the watchmen have been paid by the contributions from the village community, either in money or grain, such contributions should be considered obligatory. I find that the continuance of the village watchmen is contemplated by the regulations passed at the time of the Permanent Settlement."

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16. Convinced by the reasoning of Mr. Peacock, Lord Dalhousie assented to the proposed modification of his Bill, by which the rural police was excluded from its operation. But he suggested that the principle involved in the observation of Mr. Peacock, regarding the reasonable liability of owners and occupiers of land to contribute to the rural police according to established usage, might, if fully worked out, be rendered effectual to the end he had in view, the supplying gradually of the great and crying want of these Lower Provinces, to wit, an effective rural police.* With this view he suggested that a local investigation should be made in every village, throughout every zillah, of the liabilities to which the village is subject in respect of the maintenance of village police, in order to found thereon a legislative measure for the improvement of that institution.

17. That investigation has now been completed.

Administration of Criminal Justice.

18. I am satisfied, however, that it will be vain to improve the agency for the detection and apprehension of criminals, unless we improve also the agency for trying them.

Police reform, in India at least, is a word of large signification, and extends to our criminal judicatories as well as to the magistracy and the constabulary organisation. At present our criminal judicatories stand in need of much amendment, and unfortunately the method of amending them is a question which admits of much diversity of opinion.

19. They certainly do not command the confidence of the people.

20. That this is the case may, I think, be inferred from many parts of Mr. Dampier's elaborate reports. I have myself made much personal inquiry into this matter during my tours, which have carried me over nearly the whole of the Regulation Districts, and have brought me into communication with all sorts and conditions of men, official and non-official. Whether right or wrong, the general native opinion is certainly that the administration of criminal justice is little better than a lottery, in which, however, the best chances are with the criminals; and I think this also is very much the opinion of the European mofussil community.

21. No complaint is more common among magistrates and police officers of every grade than that of the disinclination of the people to assist in the apprehension and conviction of criminals. From one end of Bengal to the other, the earnest desire and aim of those who have suffered from thieves or dacoits, is to keep the matter secret from the police, or, failing that, so to manage as to make the trial a nullity before the courts. Something of this is due perhaps to the natural apathy of the people; though it cannot fail to be observed, on the other hand, that where they have any object to gain, the same people show no apathy or unreadiness, but remarkable energy and perseverance, in civil and criminal prosecutions. More, no doubt, is due to the corruption and extortion of the police, which causes it to be popularly said that dacoity is bad enough, but the subsequent police inquiry very much worse. But after allowing for both these causes,

* Lord Dalhousie's Minute, 14th April 1854.

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causes, no one conversant with the people, can have failed to remark how much of their strong unwillingness to prosecute, is owing to the deep sense which pervades the public mind of the utter uncertainty of the proceedings of our courts, and the exceeding chances of escape which our system allows to criminals; often have I heard natives express, on this point, their inability to understand the principles on which the courts are so constituted, or so conducted, as to make it appear in their eyes as if the object were rather to favour the acquittal, than to ensure the conviction and punishment of offenders; and often have I been assured by them that their anxious desire to avoid appearing as prosecutors arose, in a great measure, from their belief that prosecution was very likely to end in acquittal, even, as they imagined, in the teeth of the best evidence, while the acquittal of a revengeful and unscrupulous ruffian was known, by experience, to have repeatedly ended in the most unhappy consequences to his ill-advised and imprudent prosecutor.

22. That this very general opinion is not ill-founded may, I think, be proved from our own records.

23. Appended to this minute is a note and certain statistical returns, prepared by Mr. Secretary Buckland, from which it may be gathered that for 14 burglaries committed, only one burglar is punished; and that even in thefts, which are matters of easier detection and punishment, the average proportion of convictions is only of three persons to eight offences.

24. These two descriptions of offences are offences punishable by magistrates. In the more heinous cases tried by the sessions judges, it will be seen, from one of the statements annexed to Mr. Buckland's note, that an average of 1,237 persons were annually acquitted to 1,935 convicted, being a ratio of two to three. This is the more remarkable because, in the practice of our courts, every case sent by a magistrate before a sessions judge is as carefully heard by the magistrate, on both sides, as if the magistrate had himself to pass sentence, every magistrate being empowered by law, and almost bound by practice, to send for and examine witnesses to the defence, as well as for the prosecution, and strictly enjoined to send no case to the sessions regarding which he does not see reason to believe that a conviction will follow. And the magistrates are unfailingly censured if they commit on what the sessions judge and the Sudder Court may think insufficient, *i. e.* not perfectly sufficient grounds for committal, *i. e.* for conviction. That under such a system a proportion of two to three committed prisoners should be acquitted at the sessions, nearly every one of whom must have been considered by the magistrate guilty on the evidence, is of itself a very startling fact, and one which cannot but leave a painful impression of the working of our institutions.

25. A sessions judge is obliged to refer for the orders of the Sudder Court the cases of all criminals regarding whose guilt he may differ in opinion with his Mahomedan assessor, or law officer, and also many classes of cases requiring, in his opinion, a higher punishment than imprisonment for seven years. It appears from Mr. Buckland's statements that the average annual result of such references is, that no less than 148 persons are acquitted to 332 convicted; and this, it will be remembered, is in cases in which two judicial officers* must, by the nature of the case, have found the prisoner guilty on the evidence. So that the solemn judicial conclusions of tribunals in various parts of the country, in each of which two minds have deliberately concurred, are found, or supposed to be, absolutely erroneous by the higher court, in the proportion of 148 to 332.

26. From any sentence passed by a magistrate beyond a fine of 50 rupees, or one month's imprisonment, there may be an appeal to the sessions judge, and from every sentence passed by a sessions judge there may be an appeal to the Sudder Court. This license is largely taken advantage of, so that a great number of cases undergo two complete trials. And, indeed, in order to encourage appeal, and give appellants every possible advantage, and no chance of disadvantage, it is provided† that appeal courts may remit or mitigate to any extent,

* *i. e.* The magistrate and the sessions judge, or the magistrate and the Mahomedan law officer.

† Act XXXI. of 1841.

extent, but must on no account enhance punishment. I have not at present any statement of the consequences of this system as regards sentences by magistrates, though I am well aware that it leads to a considerable abatement of the magistrates' convictions. As regards appeals from sessions judges to the Sudder the case is thus stated by Mr. Buckland. From 1843 to 1852 inclusive, the number of petitions of appeal average (annually) 248, the sentences being modified or reversed in 85 cases, and upheld in 152 cases. As the average number of prisoners in each case appears to be about two and a half, the annual average of prisoners convicted at the sessions (amounting to 1,935) suffers a reduction of 200 by the result of the appeal to the Sudder. Of the total 4,000 persons annually committed to the sessions for heinous crimes, it thus appears that the conviction of 1,735 takes place in the sessions effectually, and of 332 in the referred trials to the Sudder; so that of the whole number committed very nearly one-half is eventually acquitted.

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27. That a very small proportion of heinous offenders are ever brought to trial, is matter of notoriety. It now appears that half of those brought to trial are sure to be acquitted. Is it to be expected, then, that the people should have confidence in our system, or that they should show any desire to assist the police, knowing as they do from experience, the miserable results to be obtained?

28. I must say that this appears to me the weakest point of our whole system, and that which most loudly calls for an effectual remedy. No doubt the badness of the police and the inefficiency of the tribunals act and re-act on each other, and both are concerned in bringing about the deplorable existing consequences. But until the tribunals are reformed, I can see no use in reforming the police, and I think it will be money thrown away to attempt the latter, unless we are determined vigorously to insist on the former. We have been hitherto debating about both for many years without much practical effect, and in the meantime, to take only one crime, and only the seven districts round about Government House, we have seen dacoities increase from 82 in 1841, to 524 in 1851. It is true that under a special agency, this has since been reduced to 111 in 1855. But the operations of this agency have shown more than anything else the utter inability of our ordinary institutions to cope with the enormous social evil that is ever rising up in defiance before it.

Inexperience of Magistrates.

29. Even if our tribunals were all we could wish, and if our police were fully reformed, what would it avail us so long as our superintending magistracy was for the most part in the hands of inexperienced, and therefore unqualified, young men? Yet this has not only been long the notorious fact, but peculiar and accidental circumstances, partly temporary and partly arising out of the constitution of the civil service, have at this moment made the inexperienced condition of the magistracy more observable than it has ever been before, while it seems certain that the evil during several succeeding years, is likely very seriously to increase. I have appended to this paper a note by Mr. Grey on this very subject, together with a tabular statement, from which it will appear that whereas in 1850 the average standing of magistrates was nine years and eight months, it had sunk in 1854 to eight years and five months, and is now, in 1856, so low as six years and ten months. "In 1850," says Mr. Grey, "there were only two magistrates below the standing of seven years. Now there are 15 such. The youngest officer officiating as a magistrate in 1850 was of five years' standing. The youngest officer now officiating as magistrate is of less than three years' standing." Those who are conversant with the working of our system are aware that this is, under present rules, an evil that cannot be resisted; while it exists, although certain of our young magistrates often display efficiency and ability beyond their years, yet on the whole our magistracy is losing credit and character, and our administration is growing perceptibly weaker, and yet I grieve to be obliged to affirm that the evil will infallibly increase within the next three years, unless an early remedy be applied. Does anybody imagine that, while this lasts, our Bengal police can be reformed?

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Five Measures Proposed.

30. It appears to me then that in order to an effectual improvement of the police in the Lower Provinces, the following principal measures are indispensably necessary :—

- (1.) The improvement of the character and position of the village chowkeydars or watchmen.
- (2.) Adequate salaries, and, I may add, fair prospects of advancement to the stipendiary police.
- (3.) The appointment of more experienced officers as covenanted zillah magistrates.
- (4.) A considerable increase in the number of the uncovenanted or deputy magistrates.
- (5.) An improvement in our criminal courts of justice.

Improvement of Chowkeydars.

31. Regarding the first of these measures, I have said that the inquiry suggested by Lord Dalhousie into the actual condition of the village police has been completed. By a circular, dated 13th November 1854, the several zillah magistrates were directed to adopt immediate measures for the collection of full and accurate information regarding the position of the village chowkeydars, showing the number that are regularly kept up, by whom they are appointed, by whom paid, and the amount and nature of their receipts. The magistrates were told to call for this information, in the first instance, through the thannah police, and subsequently to test the accuracy of the information furnished to them by making inquiries, in person, in different parts of each district, as well as by one or two trustworthy officers specially deputed for that purpose. The results were to be submitted to Government in a prescribed tabular form, and in the native language as originally prepared.

32. The tabular statement, so supplied, have been translated into English in the secretary's office. They appear for the most part to have been prepared with great care and accuracy, and they furnish an important body of information.

33. The following is an abstract of the results of this inquiry :—

Division.	DISTRICT.	Number of Villages.	Number of Houses.	Number of Chowkey- dars.	Number of Houses to each Chow- keydar.	HOW APPOINTED.	HOW PAID.
PATNA.	Chumparun -	3,578	1,81,881	3,809	48	By Gomastahs and head villagers -	Annually by grain; some have from 5 cottahs to 20 beegahs of land each.
	Sarun -	4,347	2,10,425	5,926	36	Zemindars - -	Ditto by cash, from 4 annas to 36 rupees, a few having cloths given them; by grain from 2 to 24 maunds; by land from 10 cottahs to 11 beegahs each.
	Patna - -	3,908	1,32,122	4,380	30	Zemindars and villagers, confirmed by magistrate.	Ditto by cash, from 8 annas to 36 rupees each; by grain from 2 to 21 maunds each; by land from 4 cottahs to 12 beegahs.
	Shahabad -	4,948	2,19,949	6,283	35	Zemindars or head villagers, or both.	Ditto cash, 4 annas to 36; grain 20 seers to 30 maunds; land 10 cottahs to 24 beegahs each.
	Behar - -	4,343	1,42,229	4,582	31	Landholder's omlah and the villagers.	Ditto cash, 12 annas to 36 rupees; grain 2 to 25 maunds; land 1 beegah to 5 beegahs each.
	TOTAL - -	21,124	8,86,606	24,980	—		

Division.	DISTRICT.	Number of Villages.	Number of Houses.	Number of Chowkeydars.	Number of Houses to each Chowkeydar.	HOW APPOINTED.	HOW PAID.
BHAUGULPORE.	Tirhoot - -	5,473	3,33,485	7,895	42	Zemindars and some by villagers.	Annually by cash, 1 rupee 4 annas to 45 rupees, or land 1 cottah to 2 beegahs each, and a few receive a little grain.
	Purneah - -	5,267	2,45,181	7,841	31	Landholders or villagers.	Ditto cash, 12 annas to 36 rupees each; some receive a little grain.
	Monghyr - -	2,642	1,32,514	3,086	43	Zemindars - -	Ditto cash, 1 rupee 2 annas to 36 rupees; land 8 cottahs to 15 beegahs each.
	Bhaugulpore - -	3,740	1,71,482	3,687	47	Ditto - - -	Ditto cash, from 8 annas to 57 rupees; land from 1 beegah to 20 beegahs each.
	TOTAL - -	17,122	8,82,662	22,509	—		
RAJSHAHYE.	Maldah - -	1,950	91,817	1,568	58	By the head villagers	Annually cash, 1 to 48 rupees each, some have grain.
	Dinapore - -	8,517	2,05,051	5,592	37	Zemindars or head villagers.	Ditto cash, from 4 annas to 42 rupees each.
	Rungpore - -	3,383	2,17,471	5,077	43	Some by headmen, generally by zemindar's omrah, confirmed by the magistrate.	Ditto cash, from 2 to 36 rupees each; in one thannah a little paddy is added.
	Bograh - -	4,964	1,23,982	3,100	40	Head villagers, a few by the zemindars.	Ditto cash, from 1 to 36 rupees each.
	Pubnah - -	3,526	1,81,811	3,611	50	Headmen - -	Ditto ditto, 3 to 52 rupees each; a little grain given to some.
	Rajshahye - -	3,416	1,41,913	3,839	37	Ditto - - -	Ditto ditto, 6 to 48 rupees each; one man has 15 beegahs of Chakeran.
	TOTAL - -	25,756	9,62,045	22,787	—		
DACCA.	Mymensing - -	13,162	3,06,133	4,080	75	Head villagers or police.	Annually cash, from 3 to 54 rupees each.
	Sylhet - -	6,937	2,24,386	3,259	69	Landholders and villagers	Ditto ditto, 1 to 30 rupees.
	Dacca - -	3,163	2,32,023	4,026	58	Head villagers -	Ditto ditto, 6 to 36 rupees each, and a few are said to be paid monthly from 1 to 3 rupees each.
	Backergunge - -	2,357	1,78,104	3,051	58	Landholders - -	Ditto cash, from 7 to 42 rupees each.
	Furreedpore - -	1,987	1,27,972	1,773	72	Headmen - -	Ditto, 1 to 52 rupees each; some have grain.
	TOTAL - -	27,606	10,68,618	16,189	—		
CHITTAGONG.	Tipperah - -	5,884	2,37,733	2,768	86	Headmen - -	Annually cash, from 2 rupees 8 annas 9 pie to 57 rupees 8 annas each.
	Noacolly - -	977	90,833	1,867	49	Ditto and police -	Cash, each Chowkeydar receives 12 annas per house monthly.
	Chittagong - -	944	1,79,763	2,431	74	Head villagers -	Annually cash, from 6 to 30 rupees, some get grain too; and a few monthly at 2 rupees 8 annas each.
	TOTAL - -	7,805	5,08,329	7,066	—		
CUTTACK.	Pooree - -	4,584	1,10,814	2,822	39	By Gomastahs and headmen.	Annually, by cash from 1 to 43 rupees; land 1 beegah to 65 beegahs each.
	Cuttack - -	6,630	2,13,207	5,072	42	Zemindars, confirmed by the magistrate.	Ditto cash, 1 to 55 rupees; land from 1 beegah to 40 beegahs each.
	Balasore - -	4,317	96,457	1,978	49	Zemindars - -	Ditto cash, 4 annas to 25 rupees; land 1 beegah to 25 beegahs each.
	TOTAL - -	15,531	4,20,478	9,872	—		

(continued)

PAPERS RELATING TO THE SYSTEM OF

Division.	DISTRICT.	Number of Villages.	Number of Houses.	Number of Chowkey- dars.	Number of Houses to each Chow- keydar.	HOW APPOINTED.	HOW PAID.
BURDWAN.	Midnapore -	11,198	2,95,145	9,123	32	Headmen or the ma- gistrate.	Annually cash, 2 to 61 rupees; land from 4 beegahs to 143 beegahs each.
	Howrah -	1,412	93,756	1,465	67	Zemindars -	Ditto cash, from 19 rupees 4 annas to 39 rupees 12 annas, with some grain each.
	Hooghly -	3,168	2,80,493	5,194	54	Zemindar and magis- trate.	Ditto cash, 3 to 60 rupees; land 1 beegah to 36 beegahs.
	Burdwan -	2,873	2,13,036	8,848	24	Ditto -	Ditto cash, from 12 annas to 72 rupees, some have some land.
	Beerbhoom -	6,928	1,88,182	10,850	17	Ditto, and some by Sirdar Ghâtswâls -	Ditto cash, from 12 annas to 136 rupees each; or land from 3 cot- tahs to 228 beegahs each; or land and grain, producing an estimated income from 25 to 42 rupees each.
	The Chowkeydars and the Ghâtswâls (who in Beerbhoom hold of the zemindar, but in Bancoorah of the Government) should have been dis- tinguished.						
	BANCOORAH Villages -	2,879	1,25,618	3,034	32	Zemindars or villagers, confirmed by the magistrate.	Ditto, from 8 annas to 71 rupees, and also in kind.
	Ghats -	1,127	28,389	4,325	7	By the magistrate -	By land held of Government under engagements with the old Rajah of Bishenpore, at from 2½ bee- gahs to 4,152 beegahs per man.
	TOTAL -	29,585	12,29,619	43,739	—		
NUDDEA.	24-Pergunnahs	2,605	1,53,905	2,788	55	Headmen -	Annually cash, from 3 to 220 rupees 11 annas, also in kind.
	Nuddea -	3,054	2,13,576	4,134	52	Ditto -	Ditto cash, from 1 rupee 8 annas to 60 rupees; grain added in some parts.
	Jessore -	4,126	2,16,256	4,189	52	Ditto -	Ditto cash, 1 rupee 8 annas to 48 rupees, and ditto ditto.
	Moorshedabad -	3,014	1,89,871	4,467	43	Zemindars or villagers, or both.	Ditto cash, from 1 to 48 rupees each, and must have some land or grain added.
	Baraset -	1,981	96,901	2,157	45	Headmen -	Ditto cash, from 11 rupees to 60 rupees each.
	TOTAL -	14,780	8,70,509	17,735	—		
	Grand TOTAL -	1,59,309	68,28,866	1,64,877	—		

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34. It may be observed, as a general result of the inquiry, that, with few exceptions, the zemindar, or zemindar's agents, are found to nominate the chowkeydars, and this most commonly in the Bengal zillahs. In these latter zillahs, though the zemindars who nominate the chowkeydars seem to be primarily answerable for the payment of their wages, yet the ultimate payment falls upon the village ryots. In the Behar zillahs this seems to be not so generally the case, the "malik" or zemindar more usually in those zillahs having to incur the expense of paying the chowkeydars, who, however, in Behar, as elsewhere, often receive a part of their income in the shape of presents from the villagers in kind. I am aware also that, in some instances, in the Behar zillahs the liability to pay the chowkeydar's wages is disputed between the zemindars and the ryots. Where these disputes have been carried before the magistrate, I have found the liability of the zemindar usually enforced, though, as I have thought, with doubtful justice.

35. The

35. The number of houses to each chowkeydar's beat is seen to vary considerably—from eighty-six, the largest number, which occurs in Tipperah, to twenty-four in Burdwan.*

36. The general average for the whole of the Regulation Districts of the Lower Provinces is shown to be one chowkeydar to forty-one houses. This average is, however, affected by the introduction of ghât-wâls into the lists. The traditionally proper proportion is believed to be one chowkeydar to fifty houses.

37. The total number of villages by this return is 1,59,306, and of chowkeydars 1,64,877, being 1,034 chowkeydars to each village.

38. The average receipts of each chowkeydar, in land and wages, will be probably under-stated at two rupees a month. Assuming, however, two rupees a month as wages, whether in money, land, or kind, and one rupee a month as customary presents—a very high estimate—we have a total for the annual receipts of 59,35,572 rupees; and calculating at five for each house in these returns, the population would be 3,41,44,330, † upon whom the above amount of taxation would fall at the rate of 2½ pie per head per annum, which is certainly a very light taxation, even at the high rate of receipts above assumed.

A Law Suggested.

39. What is, however, necessary to secure the old institution of a village watch from falling into utter desuetude, and for keeping it in a state of vigour sufficient for our present purposes, but doubtless to be further improved and reformed hereafter, is a law which shall enable a magistrate, on finding a village without a chowkeydar, or a chowkeydar without wages, to make a summary inquiry, and, according to the nature of the case, either to cause the nomination of a fit chowkeydar by the person or persons to whom the nomination may be proved by custom and usage to belong, or to cause payment of his wages at the rate found customary by the person or persons on whom the customary liability to pay such wages may be found to fall. Any very precise provisions would, I humbly think, be out of place at present. The people will not, I venture to say, feel it as any hardship that the magistrate should be empowered to make such inquiries, and to exercise such powers as I propose; on the contrary, they will assent to them, as in accordance with old customs, and as enforcing an acknowledged obligation; for the inquisition and the powers are such as were formerly very generally in use, and are even now employed by zealous magistrates in districts where the people are not yet fully aware of the actual law on the subject. It will only be if any minute system of tax-gathering on account of the village watch should be attempted that the law will be found to create any disaffection or dissatisfaction. At all events, I would desire to try the effect of the simpler method before resorting to any more complicated process. It may be safely, I think, reckoned upon, that, as soon as the law shall declare that the magistrate has the power which in former years he always used, and which has only lately been brought into question, the necessity for putting the law into force will very rarely arise.

40. It has been objected by some very competent advisers on such subjects, that even when all this shall have been done, we shall be as far as ever from our object; that the village chowkeydars, at the best, are an untrustworthy, unorganised rabble, and that no real improvement will be effected unless we get rid of them altogether, and organise a rural police according to the newest forms of occidental civilisation. And it is common with those who advocate this method of reform, to point to the 34,000,000 or 36,000,000 of the population, and to urge how easily a sum might be raised from them, not greater than they now pay for their imperfect village watchmen, which, in the hands of a skilful organiser, might be made to provide for the establishment in each zillah of a well-paid, dressed, and disciplined force, inferior in numbers to the present rural police, but far superior in trustworthiness and efficiency. To some such plan as this

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* There are lower numbers in Beerbhoom and Bancoorah. But this arises from the Ghât-wâls having been admitted into the lists, who are not village chowkeydars, but guards of jungle-passes.

† The usual loose estimate of the population of the Regulation Districts, subject to the Government of Bengal, has been thirty-six millions.

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this I have myself leaned in earlier days; nor do I doubt either that, if it were practicable, it would provide a vastly improved rural police, or that we may fairly look forwards to such an improvement hereafter, though as yet at a great distance. I am satisfied, however, that to press for such a measure now would be impolitic and unwise, and that we might lose all in our anxiety to attain a desirable end sooner than can be reasonably expected. We must do our utmost to carry the people with us in our police reforms; at present they will readily admit old-established obligations to maintain village watchmen in a certain customary proportion to the size of each village, and to pay them after a certain usage, which differs somewhat in different villages, but has long been accommodated to old habits and customs in all. They will not, however, regard with favour a distinct and precise taxation for a new police, the application of which they will doubt, and the object of which they will be very likely to misunderstand: and, unfortunately, our knowledge of the people and our intercourse with them, through distantly-placed, often inexperienced, and but too frequently changed mofussil magistrates, is not sufficiently intimate and cordial to allow as yet of our acquiring their confidence, and thereby their co-operation, in plans for the improvement of their old institution. Hereafter, when we shall have placed trustworthy magistrates in adequate numbers, and in the centre of manageable jurisdictions, I do not doubt that we shall be able gradually to influence the people more effectually than we can now pretend to do, and so to carry them with us as to obtain their intelligent assent, and with it their hearty assistance, to all our measures. We must, in short, obtain their confidence in our magistracy and police system before we can hope for their co-operation, and this cannot be expected under our present imperfect organisation.

Better-paid Police.

41. With regard to the second of the measures above enumerated, viz., the adequate payment of the stipendiary police, I have already submitted a proposition to the Government of India, by which, at an expense of 3,38,609 rupees, a reasonable increase may be made to the salaries and expectations of the mohurirs, jemadars, and burkundauzes, so as to render their situations more valuable than at present, and leave them, at all events, without the plausible excuse for corruption which they may now plead.* In order, however, to complete this part of the subject, I would very strongly recommend that a few considerable prizes be held out to darogahs, in the shape of increased salaries for particularly distinguished service. It is not always, and not, in fact, often the case, that a good police darogah is fitted to make a good deputy magistrate. Occasionally this method of rewarding distinguished service by a police darogah may be resorted to with success. But I have seen several very remarkable instances of failure, and, on the whole, I am much disposed to think that this method of promotion cannot be relied upon as generally practicable. It will be better, therefore, to grant a few enhanced salaries of 150 and 200 rupees to meritorious darogahs; and this may be done without any great increase of expense. There are now 50 darogahs on 100 rupees per mensem, 100 on 75 rupees, the remainder on 50 rupees. I would propose that, for special services rendered, it should be competent to the Government to reward as many as 15 or 20 distinguished darogahs by promotion to salaries of 150 rupees each, and 10 more for a like cause to 200 rupees each per mensem. These special promotions might be accompanied by other marks of distinction, so as to render the example in each case more striking and effective. The additional cost of this would not be more than 42,000 rupees per annum.

42. I may mention, while on this part of the subject, that I have found in some parts of the country some of the thannah jurisdictions of a very disproportionate size. This I believe to be more particularly the case in some of the Behar zillahs. It will be necessary in such cases to make an increase in the number of thannahs. But this, I think, will involve no expense worth mentioning, in discussing a matter of this magnitude.

* It has been my object in all my propositions to study a fair economy. I am sensible that the amount of increase I have proposed for the burkundauzes may, by some, be thought below the mark, and that a larger amount might have been suggested. I think, that what I have proposed will be a great improvement; and I should wish it tried before the amount is increased.

More experienced Magistrates.

43. The third measure on my list relates to the youth and inexperience of the covenanted magistrates. This is a very serious evil; and it is absolutely necessary to remedy it. It arises out of the numerical inadequacy of the covenanted service to supply the number of officers required by the existing system. It has been a matter of reproach to the service for many years; but it has very much increased of late, owing to the growing disproportion of men to offices. It has, in a manner painfully perceptible to me in my visits to the different districts, impaired the force, dignity, and efficiency of our administration in the interior; and in all cases in which the youth and inexperience of the officer is not, as it sometimes is, counterbalanced by unusual ability and force of character, it has brought the all-important authority of the zillah magistracy into marked slight and disregard, and sometimes into actual contempt. It is certain still more to increase under the present system; and no addition to the number of the service can remedy it for many years to come. The method in which each zillah was manned from 1793 down to 1830 was thus:—there was in each an officer styled judge and magistrate, who was zillah judge in civil causes, and also magistrate of police. He was usually an officer of upwards of 12 years' standing. There was a collector who, under the old system, had very little to do, and was usually upwards of 10 years' standing. There was a register, who had generally arrived at from two or three to five or six years' standing, and there might be an assistant of any standing below that of the register. Under this system the magistrate was the officer most experienced, and highest in rank in the district; and he was, therefore, looked up to with a degree of respect, the recollection of which to those who, like myself, have known "the mofussil" in those old days, suggests a painful contrast with the uninfluential and comparatively insignificant and unregarded position of the juvenile functionaries, many of whom I have found ineffectually presiding over the zillah magistracies in my recent tours. But the magistrate of those days was encumbered by the weight of duty imposed upon him as the (to use the native phrase) "incarnation of justice," civil and criminal, over an unmanageable extent of country; and, partly with a view to remedy this, Lord William Bentinck's Government took the office of zillah magistrate from the judge, and gave it to the collector, turning the register, who had been a subordinate to the civil judge, into a subordinate to the collector-magistrate. Thus the zillah magistrate, though no longer the officer of highest standing in the zillah, was yet of sufficient standing, position, and experience to command respect, especially as at the same time the Government began to exercise a much greater degree of care than formerly in the selection of officers for collectorships. It happened, however, that about the same period an extraordinary activity was infused into the revenue administration in the Lower Provinces, which had been previously much neglected; and for some years after the offices of collector and magistrate had been united, the chief attention of the Government was given to remedying the grave neglects and deficiencies which had pervaded the revenue management of former times; so that the business of a collector became for a considerable time very engrossing and onerous, and the duties of the magistracy were comparatively disregarded. This, which experience has since shown to have been merely a temporary difficulty, was treated subsequently to 1838, and, in consequence of the report of the police committee of that year, as if it had been permanent; and the offices of collector and magistrate were separated, and put into different hands. But the number of the civil service employed in the Lower Provinces not being increased, but rather, I think, diminished, the inevitable consequence was, that the lower paid of these two offices, that of the magistrate, fell into the hands of functionaries who had previously been the subordinates of the collector-magistrate; and young officers became thenceforth magistrates at about the same standing at which they had formerly become registers, or (subsequently) deputy collectors and joint magistrates. At present the reasons which caused this change no longer exist. The nature of the duties and responsibilities of collectors' offices requires that they should be held by officers of a certain standing and experience; but the actual work of those offices has become, with a few exceptions, so notoriously light, that full leisure is left for the efficient performance of a magistrate's business; and there is undoubtedly nothing in the nature of the two duties in these provinces, where the collection of the Government revenue is almost mechanical, and the

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interference of the collector in the realisation of the zemindar's rent from his tenants is purely judicial, to make them in the smallest degree incompatible. To reunite them, therefore, is now the mere dictate of prudence. It will at once place the superintending magistracy of each district in experienced hands, will economise labour, will remove a standing reproach against the Government, and will restore to the mofussil administration that strength and weight which the present youth and inexperience of our "boy-magistrates" have very sensibly and seriously impaired. This measure was proposed by Lord Dalhousie in 1854; and the reasons in its favour which then existed have been greatly enhanced by the occurrences of the past two years. I earnestly trust that the advantages which it offers, and which are enjoyed by all other parts of India, including all our recent acquisitions, will no longer be denied to Bengal, where, in fact, they are most urgently needed, and where the theoretical objections to the system, weak as I believe them to be everywhere else, have literally no kind of practical application.

By those who object to this, in my judgment, most useful and necessary measure, two methods have been proposed of remedying the great present evil, which nobody denies, of the youth and inexperience of the magistrates. One is to make the magistrates and collectors, as it were, change places; to let the young and inexperienced officers become, after their present brief training, collectors, on the present salaries of magistrates, and to let them thence rise to the office of magistrate, receiving in that office the salary now given to collectors.

This would merely transfer a disease from one part of the administration to another part, and cure the defect in the magistracy at the expense of the efficiency of the revenue department. The revenue department, not less than the magistracy, requires maturity of standing and experience; and the Government as well as the people would suffer if the office of collector were placed generally in young, inexpert, and unpractised hands.

44. Another plan is to keep the two offices separate, and to divide the aggregate salary of a magistrate and a collector equally between each office, so as to make the standing of a magistrate equal to that of a collector; bearing in mind that this is to be done with a limited service which, for many years to come, cannot possibly receive an increase of experienced officers, it will be obvious that this would not prevent as large a proportion as at present of officers in independent charge (whether magistrates or collectors) from being too young for the duties of their position. At present a young assistant becomes first a dependent and subordinate "joint magistrate and deputy collector," and next a magistrate of a zillah. And if there are a certain number of magistracies vacant, the junior officers must be taken to fill them whether they be experienced or inexperienced, two years out of college, or five or ten. This evil will not be cured by taking from the salary of a collector and adding to the salary of a magistrate; on the contrary, it will be in some degree increased. What is required is, that the office of magistrate shall be moved up higher in the scale, so as to be, as it were, out of the reach of the inexperienced junior until he shall have passed through further stages of probation. And this can only be done (the numbers of the service being inadequate as well as limited), by joining the magistracy to some existing higher office, such as the collectorship, and letting the young officer continue in the subordinate, though gradually improved and improving position, until time and experience shall have fitted him for an independent charge. Nor can it ever be too strongly insisted upon, that the nature of a collector's duties in this part of India is such as to offer no reasonable objection to the junction, but rather in many important respects to render it politic and advantageous.

45. If this were done, the step to which the junior now rises from his first and insufficient training, instead of being, as now, that of a magistrate in full charge of a district as large as three counties, would be, with perhaps the same or nearly the same pecuniary advantages, the more suitable position of a deputy or subordinate to the experienced collector-magistrate, and the zillah magistracies, instead of being in the hands of youngsters of three, and perhaps even less than three years' standing, would not be attained to under a standing of at least ten years, and probably much more.*

* Our present junior collector is of eleven years' standing, and this is at a time of unusually rapid promotion.

Increase of Deputy Magistrates.

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46. The next necessary measure is an increase to the magistracy, and this can only be by an increase to the number of uncovenanted deputy magistrates.

47. It is vain to talk of police reform so long as the police are under no closer superintendence than that of a magistrate from 30 to 60 miles off (or even more), in a country where, owing to the nature of the climate and the want of means of communication, a distance of 10 miles is often more than equivalent to 50 miles in England. I will not here parade any statistical facts. Every one acquainted with the country knows how few and far between are our magistrates in the interior as compared with even the worst-organised country in Europe, and every one admits that one of the first steps towards improvement must be to have magistrates at such tolerably convenient distances that each functionary shall not be, at all events, more than a few hours' journey from the most distant village in his jurisdiction. I think that the proper size of a deputy magistrate's jurisdiction was not unreasonably stated by an intelligent and experienced native friend, whom I consulted on the subject, as "so much as the magistrate could go to one end of in his morning ride, and the other end in his evening ride." This would probably comprise two, or at most, three thannahs. The total number of thannahs is 484. But of these some belong to the Sonthal Pergunnahs, and a good many are city thannahs, such as the 15 thannahs of the city of Moorshedabad. These may be for our present purpose deducted, as well as the sudder or station thannah of each district, which should be under the immediate direction of the zillah or district magistrate. After these deductions, there will be left about 400 thannahs. If a deputy magistrate were appointed to every three of these thannahs, we should require 133 deputy or assistant magistrates. But we have already, between covenanted assistants and uncovenanted deputy magistrates, 33 out-stations or subdivisions established, so that the new appointments actually required would be 100, a number which would hereafter be liable to some diminution, as the lower ranks of the covenanted service were increased. Taking the number at 100, and placing this number on salaries of from 200 to 700 rupees, in the proportion now assigned to the uncovenanted executive service, the expense of this additional establishment would be 4,21,200 rupees in salaries. For a reason, however, to be hereafter stated, I am clearly of opinion that the maximum at present assigned to the uncovenanted executive service is too low. Instead of the highest class embracing only one officer on 700 rupees, the highest class should embrace two officers on 1,000 rupees each; below that should be a class of four on 800 rupees each, and then (omitting the present class of 700 rupees) the classes should proceed downwards in the same proportions as at present. This would raise the additional charge above quoted to 4,60,801 rupees. The additional establishments, allowing for some reduction in the present zillah magistrates' establishment, would certainly bring the expense up to five lacs and a half per annum, or say, with some additional thannahs, six lacs. For this amount, however, I think this very desirable, not to say necessary, reform might be made. And even then, and after adding the amount of 3,38,609 rupees required to render adequate the pay of mohurirs, jemadars, and burkundauzes,* which would raise the total additional annual expense to 8,88,609 rupees, or say, after allowing for all defects of the estimate, ten lacs of rupees, the police charges of Bengal would still be only a little more than the police charges of the North-western Provinces.† And it must be by no means left out of sight, that the diminution of expenditure at present, in consequence of the diminished number of junior civil servants, as compared with the year 1850, is more than a lac and a half of rupees;‡ and as it is in a great measure owing to this diminution that an addition is required to the uncovenanted magistrates, it is reasonable to set off a large part of this lac and a half, say at least a lac, against the additional charge now asked for, thus reducing the total to a maximum of nine lacs per annum.

48. My

* See para. 4 of this Minute.

† Provincial Police charges, 1851-52 :—

Bengal	-	-	-	-	-	-	-	10,31,386.
N. W. P.	-	-	-	-	-	-	-	16,97,607.

‡ See para. 15 of Mr. Secretary Grey's letter to the Government of India, No. 2137, of 30th September 1855. The actual difference is 1,54,440 rupees.

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48. My reason for thinking it necessary to have a class on 800 rupees, and a class on 1,000 rupees per mensem, is that, although I should contemplate filling the new offices chiefly with natives, it would be indispensably necessary to have a certain number of well-educated and respectable Englishmen among them; and experience as well as theory has shown that these cannot be had for the same pecuniary inducements as natives of the country, but must be in general paid more highly. In districts where there are many indigo planters, it is absolutely indispensable to have English magistrates; and to attempt to administer the magistracy with natives in such districts will always be productive of dissatisfaction and disappointment.

Junction of Judicial and Executive Powers.

49. There is, however, an opinion which has found favour with some persons of just weight and authority in matters of this kind, and which has indeed a certain plausibility which tends to recommend it to many, and especially to those whose experience or whose mode of thinking has been derived from European rather than from Oriental habits, against which I am especially desirous of raising my testimony in this place, the rather, perhaps, that, in the days of my smaller experience, I myself have held and advocated the opinion, which I now very heartily condemn. The opinion to which I allude is this,—that magistrates of every degree should be debarred from all judicial powers, and should have nothing but the executive duty of preventing and detecting offences, and that separate judicial functionaries should always receive and try cases of every kind committed to them by the magistrates of various degrees. Thus it is, I believe, contemplated by some advocates of this system, that, at or near every place at which a deputy magistrate is stationed, there should be a moonsiff, or a Sudder ameen, or a judicial officer of some corresponding class, to try all cases sent to him by the deputy magistrate; and that, in the same way, all cases coming before the zillah magistrate, whatever their nature and importance, should be sent for trial to a judicial officer at the zillah station, native or European.

50. It is one very serious objection to this scheme that it will be very expensive, not unlikely, as I believe, to double the proposed additional charge. But I think this the smallest objection to which it is liable. It is a scheme foreign and unintelligible to Asiatic notions, and altogether founded on European ideas and habits, going, indeed, in its excessive provisions to a degree even beyond any general European practice.

51. I am very sure that our mofussil administration will, *ceteris paribus*, be generally efficient, while it is certain to be also acceptable to the people according to the degree in which it conforms to the simple or Oriental, in preference to the complex or European model. The European idea of provincial government is by a minute division of functions and offices, and this is the system which we have introduced into our older territories. The Oriental idea is to unite all powers into one centre. The European may be able to comprehend and appreciate how and why he should go to one functionary for justice of one kind and to another for justice of another kind. The Asiatic is confused and aggrieved by hearing that this tribunal can only redress a particular sort of injury, but that, if his complaint be of another nature, he must go to another authority, and to a third or a fourth kind of judicature, if his case be, in a manner incomprehensible to himself, distinguishable into some other kinds of wrong or injury. He is unable to understand why there should be more than one hakim, and why the hakim to whom he goes, according to his own expression, as to a father for justice, should be incapable of rendering him justice, whatever be the nature of his grievance, or whatever be the position of his adversary.

52. Accordingly, not only in all our recent acquisitions, such as Scinde, the Punjaub, Burmah, Nagpore, Oude, but in most of those which date thirty and forty years further back, such as the Nerbuddah territories, Assam, or Arracan, we have carefully framed our administration upon the Oriental plan, modifying it only where absolutely necessary to insure real benefit to the people. And while the Europeanised methods of our oldest territories have been notoriously unsuccessful, the result has, on the whole, been so decidedly favourable in the newer districts, that no sound Indian statesman would now dream of proposing for any new acquisition any other plan of administration. Now nothing can be more

more opposed to the Oriental plan of administration than the entire separation of judicial from executive duties, which is advocated by the over-much Occidentalists to whom I have alluded, at the same time that it is going backwards from the course which experience has been gradually forcing upon our older territories ever since 1793. In that year the "regulation system" began by denuding zillah magistrates of almost all judicial powers. But this was soon found to be practically intolerable, and first in 1807, and afterwards at different intervals, the judicial powers of zillah magistrates were increased from the infliction of one month's imprisonment to that of six months, one year, two years, and ultimately three years, which is the limit of judicial power now exercised by zillah magistrates. I know that the general opinion of the most trustworthy officers is, that if the magistrates were not so young, that is, if by union of the office with that of the collector, or in any other way, the age and experience of the magistrates were raised to its former standard, it would be wise to increase (instead of diminishing) their judicial powers, and to give them, as is given to magistrates in several of the "Non-regulation" Provinces, a power of sentencing to imprisonment for as many as seven years, subject only to the revision of a higher authority. This was recommended by Mr. Dampier, in his Police Report for 1848, for all cases of simple dacoity.

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53. Before 1830, the trial of heinous cases in each zillah was by a circuit judge, who came at stated intervals, tried such cases as he found ready, and departed, to be succeeded on the next circuit by a different, and again, at another interval, by a third, and sometimes even a fourth, circuit judge. Among some evils peculiar to the system as it then existed, there was undoubtedly much that operated with advantage in these successive circuits by successive judges. That system has been succeeded by one in which each zillah station has its permanent sessions judge. And though this change effected an undoubted remedy for some of the more obvious evils of the previous system, it has been found in practice to be open to certain special objections, such as have been thought by many almost to counterbalance its admitted benefits; for, instead of the little known, and therefore the more honoured, circuit judge, we have now a judge who, in a small station and a confined society, must of necessity be in such a degree of close and incessant intercourse with the magistrate as usually breeds the familiarity which is proverbially destructive of respect. Small societies, too, are liable to jealousies, scandals, quarrels, over-friendships, over-enmities; and in all these, to the detriment of his official usefulness and his judicial dignity, the judge is not seldom found to bear a part. Sometimes the judge and the magistrate are in open enmity; and then every counter-decision is apt to be attributed, by their keen-sighted native observers, to the existence of ill-feeling between the two functionaries. As often, perhaps, the judge and the magistrate are in close intimacy;—they dine together, they ride together, they shoot or hunt together, their tastes and feelings are obviously in unison; and then every judicial affirmation of commitments and appeals is liable, by narrow-minded and interested by-standers, to be put to the account of friendship and influence. In one zillah the judge perhaps is weak, and exercises feebly and ineffectually the control over the magistrate which the system expects of him. In another zillah the judge may be vigorous, encroaching, overbearing, and then the magistrate is made a cypher, and his power, without his responsibility, passes into hands for which it was never intended. No one who is familiar with the state of the interior will deny that, amidst much that is good, our present system is often marred by one or other or all of the evils I have above depicted; and these evils, wherever they occur, arise undoubtedly from the antagonism of a locally-opposed judicial and executive authority. But conceive this local antagonism not merely at each zillah station, but all over every district, and the antagonism in each case, not of two liberally-educated Englishmen, but of two half-educated and Orientally-civilised natives, and let those who know the country and people declare what would be the practical result. Conceive every darogah opposed perhaps to an antagonist local moonsiff, and every native deputy magistrate to a native Sudder ameen at an out-station; imagine the bickerings, the criminations and recriminations that would ensue. For, though under the greatest provocation, corruption is the last thing which a native ever imputes to an English judge or magistrate, it is the first imputation which a native casts on a native, on great provocation, slight provocation, or no provocation at all. Thus, in but too many instances, would executive

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officers account for every failure by insinuations against the judicial department, and thus as often would the judicial functionaries retort by insinuations against the purity of the executive. At the best, all the difficulties and embarrassments which even now not unfrequently impede the administration, owing to divided authority at the chief zillah stations, would be multiplied a hundredfold. If it were asked why crime had increased in a given district, the executive officers would reply, "Because of the pertinaciously unreasonable acquittal of all our criminals by the judicial functionaries." If the judicial functionaries were in any way questioned for this result, they would answer, "It is because of the negligence and inefficiency of the executive." Nobody would be responsible. Power would be everywhere divided, and everywhere contending against power. The administration of the interior would be torn in sunder, and the result would be good made bad, bad made worse, and confusion everywhere worse confounded. No one, who has the personal acquaintance with the interior which my present position no less than my past experience has given me, can say that this anticipation is exaggerated. All must agree that the mischiefs I have anticipated would, under such a system, be very likely to break out.

54. I believe, too, that to deprive our magistrates of judicial power, while it would degrade them in the eyes of the native community, who can never understand why, when the hakim has caught a thief, he should not forthwith try and punish him, would take away a great cause of self-respect from the executive functionary and a great means of self-improvement. I have no doubt that the sense of judicial responsibility has a very large and important effect in raising the character and improving the conscientiousness of our executive magistrates, while it certainly adds greatly to their useful influence among the people; and I am satisfied that justice is not likely to be less truly or satisfactorily administered under the present system, which entrusts large judicial powers to magistrates and deputy magistrates, than under a system which, taking away from them all judicial power, should make them in their own view, and in the apprehension of the people among whom they act, nothing but a higher kind of police darogahs.

55. In recommending, therefore, a considerable addition to the number of deputy magistrates, I would be understood to advocate very strongly that they should, as at present, be permitted to exercise judicial powers varying with their known qualifications and experience, and subject to revision by a higher authority. This is in perfect accordance with recommendations of the recent Report of the Law Commissioners.*

Improved Administration of Justice.

56. The fifth and last general measure which I have enumerated is an improvement in our criminal courts of justice.

57. This part of the subject has repeatedly been brought to notice in Mr. Dampier's annual reports, and there is undoubtedly a general consent of opinion as to the urgent necessity for an improvement.

58. But, as might be expected on a subject so difficult, there is much variety of opinion as to the manner in which improvement can best be effected.

59. On the whole, and after much careful consideration, I give in my entire adhesion to the recommendations of the London Law Commissioners, as stated in their recent Report, but with certain modifications, the most material of which I shall now proceed to describe.

Jury Trial.

60. The plan of the London Law Commissioners provides† for trial of heinous cases by the sessions judge in each zillah, assisted by a jury in cases where certain privileged persons are defendants, or among the defendants.

61. The privileged persons are thus stated in the Report:—"A British subject,

* See pp. 98 and 99 of the Report.

† Chap. xix., p. 149.

subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor-General in Council may see fit to extend this rule, registered according to such rules as the Governor-General in Council shall prescribe." Unanimity, or a majority of not less than two-thirds, with the concurrence of the judge, being necessary for a verdict of guilty. Of all other defendants the trial is to be before the sessions judge and two or more assessors; the decision being vested exclusively in the judge. I will enter in this place into no argument, but simply state that I disapprove of these provisions; and, instead of confining trial by jury to certain privileged classes, I would have all trials of heinous cases in the Mofussil before the sessions judge and a jury.

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System of Appeal to High Court.

62. The plan of the London Law Commissioners leaves the system of appeal very much as it is now, encouraging appeal by ensuring every appellant against any disadvantage, and giving him every possible chance of advantage by appeal.* But in cases of trial by jury, the High Court is not permitted to reverse a verdict as to facts; though it may try any point of law in appeal from such trials, and alter, in the way of mitigation, but not in the way of enhancement, any sentence passed by a Sessions Court in such trials.

63. If then jury trial were made the rule instead of the exception, there would be, even according to the scheme of the Law Commissioners, no appeal whatever from the Sessions Court on the facts, but only on the law. To this I have no objection. There would remain an appeal in mitigation of sentence, and this I should not object to leave, not however binding the High Court to take up any such appeal unless on strong *prima facie* ground, shown to their satisfaction, for questioning the justice of the sentence appealed against. But I would restore the wholesome power of enhancing within certain limits, as well as reducing sentences, which was formerly exercised by the Sudder Court. I can see no reason for withholding it, and a great many for giving it. Our zillah judges err at least as often by over-leniency as over-severity; and over-severity has never been imputed to the Sudder Court, but on the contrary.

Powers of Sessions Judges.

64. The plan of the Law Commissioners gives to the Sessions Courts the power of sentencing to any legal punishment short of death. Capital cases are to be referred to the High Courts.†

65. This entirely accords with my view of what is required. But the large powers of revision given to the High Court by Chapter xxv. are, in my judgment, for the most part unnecessary, and I would either abrogate or greatly reduce them. In this country it is quite sufficient to give a power of revision on appeal, without encouraging the High Court to take up cases regarding which no one has appealed or complained. This is one of those excesses of cautious investigation which so frequently disfigure our system, and by occupying time which might be better employed, as well as by adding to the uncertainty of sentences, do in the long run a great deal more harm than good.

Moonsiff Magistrates.

66. The plan of the Law Commissioners gives to subordinate magistrates much the same powers as at present, but it makes every moonsiff a subordinate magistrate. The present system leaves the Government the option of making a moonsiff a subordinate magistrate or not; and I think the present system in this respect very much the most prudent and proper.

Appeal to Sessions Judges.

67. The plan of the Law Commissioners gives an appeal of right against every sentence

* Chap. xxvi., p. 163.

† Page 96, and see note at p. 98; also Chap. xxii., Rule 304, p. 157.

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sentence or order, light or heavy, of every magistrate and subordinate magistrate, high or low, to the sessions judge. This is simply impossible, if the subordinate magistrates are increased as I propose to increase them. Even now, the appeals from magistrates and subordinates with the higher powers, go far to swamp the sessions (who are also civil) judges. And if, as I propose, the magistrates are doubled, it is vain to think that the present number of sessions judges can hear their appeals. And besides this there is good reason for leaving all the subordinate magistrates subject in all things to their chief zillah magistrate. It has always been a mistake to transfer them in any way to any other authority; every purpose for which the new arrangement is proposed, will be far better subserved if the deputy or subordinate magistrates were, as to their judicial not less than their executive functions, made liable to the complete authority of the zillah magistrate by whom they are to be posted, and guided, and controlled: by whom they are to be checked in their errors and encouraged in their successes; to whom they are to look for praise or blame, for repression or advancement; and to whom the Government must look for advice and opinion as to the conduct and qualifications of every member of the new organisation.

Effect of Act XXXI. of 1841.

68. But, both in regard to the revision of sentences of his subordinates by the zillah magistrate, and the revision of the sentences of the magistrate by the zillah or circuit judge, I would most earnestly counsel a return to the system in force before 1841, which gave no criminal appeal of right in any case, but allowed certain higher authorities a power of discretion, and on sufficient cause shown, of revising and amending sentences of certain subordinate courts.

69. The old system was by the Honourable Court* well and wisely contrasted and compared with the newer system of 1841, and the practical superiority of the former strongly and convincingly insisted on. "We apprehend," says the Honourable Court, commenting on Act XXXI. of 1841, "that in this enactment the analogy of civil has been erroneously applied to criminal judicature. In the exercise of the right of appeal given to a party in a civil suit, he has to take into consideration the increased costs with which he will be chargeable in the probable event of the original decree being affirmed. But the convict will have no such motive to discourage him from exercising his right to appeal. The execution of the sentence must be suspended, which will itself be a positive benefit, and the superior tribunal, when it confirms the sentence, cannot enhance its severity as a punishment for the exercise of a legal right. The Act in question indeed expressly prohibits such enhancement, so that a committed prisoner has no inducement to refrain from trying the chance of an appeal. It may, therefore, be expected that when that right comes to be fully understood and generally known, an appeal will be preferred against every sentence, and the great mass of the criminal business of the country will have to be done twice over."

70. "Under the former regulations, the Courts of Circuit, whose powers have since been transferred to the sessions judges, were authorised, upon petitions presented to them within a limited period, to call upon the magistrate for his proceedings in any case, and to pass such orders thereupon as they might deem proper and consistent with the regulations. Similar authority was also vested in the Court of Nizamut Adawlut over all inferior tribunals, and it is renewed in the Act now under consideration. This we apprehend to be the correct principle by which liability to error on the part of the subordinate tribunals should be guarded against; such an interposition of authority did not imply any right of appeal by a convicted prisoner, and was not open to the objections with which that right would be attended. The petition on which superior authority was interposed could only in a loose sense be regarded as at all partaking of the nature of an appeal."

* Despatch from Honourable Court, No. 1 of 1843, dated 1st February.

Sections XXIII. and XXIV., Regulation IX. of 1807.

71. And in a later despatch, dated 3 April 1854, remarking on the reply of the Nizamut Adawlut to the foregoing observations, the Honourable Court's opinion is thus repeated :—" We are aware that it was competent to the superior tribunals, upon petitions presented to them, to call for proceedings in criminal trials, and to pass such orders upon them as might seem just and proper. This exercise of authority, as we observed in the despatch above referred to, constitutes the correct principle by which liability to error on the part of the subordinate tribunals should be guarded against; but the petition on which it may be interposed, can only in a loose sense, as we also observed, be regarded as at all partaking of the nature of an appeal. In such a sense only we conceive the term appeal to have been used in the section pointed out by the Nizamut Adawlut. Otherwise it would imply that the right of appeal belongs to the prosecutor as well as to the prisoner, and it would require that the execution of every sentence should be deferred until the period after which the right ceases had expired, and that every case appealed should undergo complete investigation by the appellate jurisdiction, although, *primâ facie*, there might be no ground whatever to doubt the justice and propriety of the original decision."

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72. " The statement furnished by the Nizamut Adawlut shows that the number of cases disposed of in 1843, in the Lower Provinces, amounted to 31,751, and the number of cases appealed to 5,212, or a sixth part of the whole. This is a large proportion of the criminal business of our system of judicature which has had to be done twice over; and it can hardly be doubted that the proportion would greatly increase, if it came to be fully understood, and generally known, that every appeal must be received as a matter of right, and must be completely investigated before the original sentence could be carried into execution.

73. " We therefore continue to think that in passing Act XXXI. of 1841, the analogy of civil has been erroneously applied to criminal judicature, and that the provisions of that Act require to be reconsidered and revised."

74. It is much to be wished that the sound advice of the Honourable Court should now be followed; for, unless this be done, such is the fondness for appeal in this country, that every addition to courts of first instance must be accompanied inevitably by a proportionate addition to courts of appeal.

Nomination of Jurors.

75. Under the plan of the Law Commissioners, the High Court is to make rules for the qualification, appointment, and other matters relating to jurors.* I am clear that the High Court had better be kept from this and all other executive business. A better system was, I think, proposed in the Draught Jury Bill, prepared by the late Mr. Bethune in 1849, and published in the "Gazette" of the 31st October 1849. By this the executive officers of Government, the collector, controlled by the Commissioner and by the Government itself, was to frame the jury lists. However this may be done, I should desire to see as much honour and dignity as possible attached to the rank of a jurymen. Perhaps it may not be possible here, any more than in England, to make the duty attractive. But something may be done to surround it with honour, and to make, as it were, some amends for the trouble and responsibility it must occasion.

Nomenclature.

76. Perhaps names are not much worth debating about; but, referring to the nomenclature of the Law Commissioners, I confess to a prejudice in favour of deputy-magistrate and assistant-magistrate, as compared with the long, and in the

* Chap. xix., section 267.

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the mouths of the natives, unmeaning and unintelligible appellations of judge of a subordinate criminal court of the first class, and judge of a subordinate criminal court of the second class.

77. It is impossible to imagine that anybody will ever use all these words in the hurry of business, and the process of abbreviation may possibly be somewhat arbitrary and uncertain. Besides, I have an old-fashioned objection to calling a magistrate a judge, and this, I fancy, will be shared by the natives, who have long been accustomed to associate distinct meanings with the terms judge and magistrate. If possible, then, I would put in a plea for the old terminology.

78. I make no remark in this place on the proposed constitution of the "High Court" of the Law Commissioners, nor on any other part of their plan that does not immediately bear on the administration of criminal justice, and thus on the improvement of the police.

Roads.

79. I have now recapitulated the five chief improvements which seem to me to be required to place the police of Bengal on a footing of reasonable promise, from which it may gradually advance to a better and still better condition. There is, however, yet another measure, which can hardly be omitted in this place, and which may seem of itself almost as important as any of the foregoing. I allude to a measure for the establishment of sufficient means of communication with the interior of districts. It cannot, indeed, be necessary to dwell on the importance of roads and communications to the well-doing of any police system. No system can work well while our police stations and our large towns and marts in the interior are cut off from the chief zillah stations, and from one another, by the almost entire absence of roads or even (during a large part of the year) of the smallest bridle-roads or footpaths. It may be impossible, in the present state of our resources, to make all over our zillahs such roads as are fit at all times for wheeled carriages, but, where better and broader roads cannot be made, it ought to be an indispensable part of our system to have from the chief zillah station to all police stations in the interior, and from each police station to the neighbouring stations, at least a raised and bridged foot or bridle-path, so that a man, a horse, a bullock, an elephant, or a palankeen, should at all times of the year be able uninterruptedly to pass and re-pass. There are but few of our zillahs where this might not be done at a comparatively small expense if the land were available; and of so much public import is it to have land available for such a purpose, that I should not think it unjust to propose a law making it binding on all zemindars, and other proprietors of land, to give up sufficient lands for the purpose, free of all cost to the State, except of any standing crops or agricultural produce. In most parts of Bengal the zemindars would do this willingly without any law, and the benefit to the surrounding lands would be of itself sufficient to over-pay the value of the land given.

80. By so digging the earth for the road as to form a small canal, a means of water communication in the rains might be secured, which would be of the highest value to agriculture and commerce, and which would easily bear a light toll, sufficient to pay for the repair (at least) of the road and the canal.

81. I think that the construction and repair of such roads ought to be an essential duty of each magistrate and division magistrate, that the expense should be estimated and passed once a year, separate from all other public works, and should be considered and calculated on as one of the charges of the police. Such a system, fairly established and energetically kept up, would by facilitating the movements of magistrates, of police officers, of despatches of complainants and of witnesses, do as much for the improvement of the police as any measure that could be devised, and, without it, I doubt if any measures could be fully successful.

Omlah.

82. It is a matter not absolutely essential, yet surely of much importance in this and other branches of the public service, that means should be adopted for encouraging

encouraging and rewarding good service among the native ministerial officers of our courts, popularly called the Omlah.

83. It is usual to run down this class of men with undistinguishing severity, and to attribute to their pernicious influence the greater part of the mischiefs which beset our courts and impede the administration of justice. To a large and unhappy extent these imputations are, it must be owned, but too well deserved. Yet even here reprobation has been too indiscriminate, and too little regard has been had to the trials and temptations by which this class of officers is assailed and surrounded, to the real services which they render, to the extraordinary knowledge of business, industry, and ability by which so many of them are distinguished, and to the general neglect with which they are treated by the Government they serve.

84. They are for the most part paid at a rate that almost necessitates corruption; they have at the best little to look forward to as the honourable reward of a life of incessant toil; and they are liable to be turned off, and not seldom are turned off, without warning, and with the most trifling compensation, on any sudden change or remodelling that may occur in the offices to which they are attached.

85. Yet in the tours which I make through these provinces I have found, much oftener than I anticipated, and in various parts of the country, old, faithful, and useful servants of this class, to whose long, zealous, and often strikingly honest and uncorrupt labours the most convincing testimony is borne by all persons, European and native, with whom they have come into contact.

86. On such men as these I am occasionally solicited to bestow some official promotion as a reward for their past service, and as an incentive to the diligence and honesty of others. To these solicitations I have never been unattentive, and I have done all that I could to encourage meritorious native functionaries of this class by promoting them as far as I was able. But our system seldom permits of this kind of reward being bestowed. The most honest and capable serishtadar cannot rise as a judge without passing through the grade of a moonsiff; and for this he must undergo an examination, which is always insuperably distasteful to a mature man of business, and which is intended to prove, in younger candidates for office, that aptitude and that knowledge of which the old serishtadar has notoriously been long possessed, and which he has proved by a quarter of a century of constant and approved transaction of affairs. For a deputy magistrate he may be fitted by knowledge and experience, but seldom by personal activity or past habits; and, indeed, as natives of a certain age are remarkable for the absence of that pliability and versatility which enables a man to change himself with his circumstances, it is seldom that any of the most able and experienced ministerial omlah, who have long distinguished themselves in subordinate positions, are found to succeed, if transferred to situations of a different and more independent character.

Civil Order of Merit.

87. I am satisfied, however, that it would be greatly to the interest and advantage of Government if some means were devised of systematically rewarding all marked and distinguished service on the part of these and other native civil servants of the State; and I have long wished to see a civil order of merit established for this purpose, with various grades or classes, and moderate pecuniary advantages varying with each class.

88. It would not be difficult to frame a scheme for this purpose, which should cost in money nothing worth consideration, but which might, and probably would, produce the most beneficial effect on the character and conduct of the whole body of native civil servants. I desire to submit this suggestion for the consideration of higher authority.

Station Guards.

89. It may not be indispensable to the improvement of the police, but it is a thing very much to be desired for the security of the public peace, that there

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should be available at the head-quarters of each station a small but well-drilled and trustworthy guard, to be used in case of riot or of opposition to the ordinary police. The same guard might be available for treasury guards and escorts, and for guarding the jails, and other duties of a like kind ; and it would often save much harassing duty to the regular troops. I have already proposed the raising of civil police corps for this purpose, of which the expense would be met in part by a reduction of the present very inefficient jail and treasury guards. The Supreme Government has sanctioned the raising of one such corps, to be employed chiefly in the Sonthal Pergunnahs, and, as regards the main proposition, a reference has been made to the Honourable Court.

Honorary Magistrates.

90. It has been recommended, and the recommendation has recently been much canvassed, that commissions as honorary magistrates should be issued to certain carefully-selected indigo planters and zemindars, so as to enlist the wealth and influence of the Mofussil in the administration of its affairs. In favour of this proposition it has been urged that the zemindars and planters do now avowedly, and with the entire consent and satisfaction of the rural population, administer in all small matters, just that simple, ready, and paternal justice among their ryots, which the ryots best understand and appreciate ; and that the jurisdiction which is thus assumed and exercised without law, being in itself useful and acceptable to the people, ought rather to be exercised with the full countenance and support of the law ; that whether the law give it or withhold this jurisdiction, nothing can prevent the natural effect of wealth, position, influence, and authority among a docile and subservient population ; and that it would be wise to enlist in the service of law and order that power which is now sometimes used against the public peace, and is at best, as between authority and crime, too often neutral, if not indeed sometimes ranged on the side of criminals and against the law ; that many irregularities now caused by the exercise of unlawful power would cease, if this power were clothed with legal dignity and responsibility ; and that by raising the position we should raise and confirm the character and improve the conduct of the entire class in question. On the other hand it is replied that, as regards the zemindars, they are, with rare and hardly ascertained exceptions, hard, selfish, corrupt, and grasping, or indolent, facile, and indifferent to the public good, while they are almost always ignorant and prejudiced. And that as regards planters, they have but too often, under a system which undoubtedly involves a certain extent of forced cultivation, interests so opposed to those of their neighbours and dependants, as to make it in the highest degree unjust and dangerous to entrust them with legal powers, which the very best might sometimes be tempted, and the worst would always be ready, to use for the prosecution of their own unlawful objects. That although indigo planters are as a class greatly improved during the past twenty or thirty years, and often the willing and energetic instruments of much public and private benefit to the neighbourhoods in which they carry on their important avocations, yet they have not yet altogether got the better of a tendency to right themselves in cases of dispute, without waiting for tardy processes of law ; and there is still too much jealousy between them and their native neighbours, and too many constantly recurring causes of quarrel between them, to render it possible to entrust to any of them powers which, however honestly they might and probably in many instances would be used, would nevertheless always be contemplated with doubt and suspicion by those around them, and could never be otherwise than unpopular in the hands of even the most esteemed and worthy.

91. Although I somewhat lean towards the opinion that a careful and judicious enlisting into the service of the public of the rich and powerful zemindars and planters of the interior has in it much that seems to promise well, and that it should at all events be kept in view as a measure to be at some, perhaps distantly, future time gradually accomplished, I am not yet in a position to recommend it for present adoption. I have, however, called on a number of experienced officers for their views on the subject, and I may hereafter be able to offer a more decided opinion regarding it.

Vernacular

Vernacular Education.

92. Lastly, I would express my decided conviction that although the measures I have now proposed, improved and amended as they cannot fail to be during the further discussion to which they will be subjected, will in due time produce an improvement in the state of the Bengal police which cannot otherwise be effected, they are all of secondary importance, compared with the enlightenment of the people among whom they are to operate, and by whose co-operation alone they can be made fully effectual for the general good. While the mass of the people remain in their present state of ignorance and debasement, all laws and all systems must be comparatively useless and vain. Above all things that can be done by us for this people is their gradual intellectual and moral advancement, through the slow but certain means of a widely-spreading popular system of vernacular education, and money laid out on this great engine of improvement will, in the end, prove better spent and more enduringly profitable than on the working of the most excellent system of administration by the most efficient and costly establishments.

93. This greatest of our plans for the benefit of our Indian fellow-subjects has now under happy auspices been commenced. I earnestly trust that it may be prosecuted with persevering determination; that no reasonable expense will be spared to give it activity and extension, and that a large proportion of the rising generation may be embraced within its powerful and beneficent operation.

(signed) *F. J. Halliday.*

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30 April 1856.

NOTE BY MR. SECRETARY GREY.

It has for some years been matter of complaint by the public in the Mofussil, and more especially the English public, that the office of magistrate in Bengal is held by officers whose junior standing in the service and consequent inexperience do not qualify them for the exercise of the very responsible duties which devolve upon them.

Note by Mr.
Secretary Grey.
20 April 1856.

For several years the propriety of re-uniting the offices of magistrate and collector has been thought of and discussed, one of the main objects of such reunion being to place the chief magisterial power in every district in the hands of men of mature age and long experience of India.

It has been thought by most people that such a measure could not fail to produce good, because, while on the one hand the same average amount of natural inferiority and natural superiority was likely to be found in an equal number of men selected from two different ranks in the service, it was on the other hand inevitable that the men of the one rank, that is those of the longer standing, would possess a far greater amount of official experience and of acquaintance with the country and its people.

It has not been supposed, having regard to the manner in which the land revenue in Bengal is raised, that any theoretical objection, founded upon European ideas, would be urged against the junction of revenue and magisterial authority in the same hands, and this seemed the less likely, from the circumstance that in eleven of the Bengal Regulation Districts and in all the Non-Regulation Districts such union of authority actually obtained; this being the case, too, it may be remarked, in all the districts where the permanent settlement does not prevail.

After being talked about for some years, the proposition to reunite the offices of magistrate and collector was at length formally made by Lord Dalhousie in April 1854. The proposition was submitted to the Government of India, and no notice of it being taken for some months, the Lieutenant-Governor, in October of the same year, called the attention of the Supreme Government to the subject, and solicited permission to take advantage of then expected vacancies to

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reunite the office of magistrate and collector in some four or five districts, which were named.

This request was, however, refused in January 1855, and a Minute of the Honourable Mr. Grant's was sent for the Lieutenant-Governor's perusal, in which Lord Dalhousie's proposition was strongly objected to. The Lieutenant-Governor communicated his views upon the question to the Supreme Government in February 1855, and since that date nothing more has been heard on the matter from the Supreme Government.

The subject has, however, intermediately been twice brought incidentally to the notice of the Supreme Government. In September last, the Lieutenant-Governor, in applying for an increase to the uncovenanted executive service, took occasion to observe that such assistance, though greatly needed, would not cure one great evil of the present condition of the service; namely, the evil of advancing very young officers to appointments of responsibility and importance.

This evil, it was remarked, could only be cured by one of three measures, one of which was the reuniting of the offices of magistrate and collector.

No reply to this communication has been received.

The second occasion on which the subject of placing the chief magisterial and chief revenue control in a district in the same hands was brought under the notice of the Supreme Government, was in the instance of the districts of Bhaugulpore and Beerbhoom, when a portion of the magisterial jurisdiction of each of those districts was taken, after the Sonthal insurrection, to form a Non-Regulation province. It was then recommended by the Lieutenant-Governor as a measure of economy, that the separate magistracies of Bhaugulpore and Beerbhoom should be abolished, and that the collectors of those districts should be made also magistrates; to this proposition the Supreme Government at once assented.

With the above exception, the magistrate-collector question has not apparently advanced since Lord Dalhousie made his proposition two years ago.

My object in bringing the subject now briefly to the notice of the Lieutenant-Governor, is to beg his attention to a comparative statement which I have prepared, showing the standing of the magistrates in Bengal, that is to say, of the officers actually officiating as such at three different periods, namely, in April 1850, April 1854 (the date of Lord Dalhousie's proposition), and April 1856.

This statement will be found, I think, to show an urgent need of some means being adopted to procure greater experience in the magistrate's office than is now obtained.

The average standing of the magistrates of the 25 * districts which have separate magistrates was, in 1850, nine years and eight months. The average standing of the officers now serving as magistrates in the same districts is only six years and ten months.

In 1850, there were only two magistrates below seven years' standing, now there are 15 such.

The youngest officer officiating as a magistrate in 1850 was of five years' standing; the youngest officer now officiating as a magistrate is of less than three years' standing.

In the case of 1850, I believe it was a temporary appointment merely, as the Directory shows several officers of one and two years' senior standing not acting as magistrates. In the present year, when Mr. Wigram was appointed to act as magistrate of Beerbhoom, there was at the time no officer between him and Lord Ulick Browne, the next junior acting-magistrate, who was qualified and available for a magistrate's appointment.

Unless the number of the service available for duty in Bengal is increased at least to the strength at which it stood in 1850, or some other remedy be adopted, it is clear that the present state of things will continue.

20 April 1856.

(signed) *W. Grey*,
Secretary to the Government of Bengal.

* That is excluding the 24-Pergunnahs.

	Magistrates' Length of Service in 1850.	Magistrates' Length of Service in 1854.	Magistrates' Length of Service in 1856.
Behar - - - - -	17— 1	11— 4	5— 6
Beerbhoom - - - - -	17— 1	6— 11	2— 9
Shahabad - - - - -	15— 10	5— 11	11— 0
Tirhoot - - - - -	13— 8	8— 3	7— 11
Mymensing - - - - -	12— 7	9— 0	7— 5
Jessore - - - - -	12— 4	8— 10	6— 3
Dacca - - - - -	9— 7	8— 4	5— 3
Sarun - - - - -	9— 4	9— 4	6— 3
Patna - - - - -	9— 3	8— 5	5— 6
Dinagepore - - - - -	8— 6	11— 3	6— 10
Monghyr - - - - -	8— 6	8— 5	4— 7
Hooghly - - - - -	8— 2	9— 0	6— 0
Midnapore - - - - -	7— 6	6— 6	8— 6
Rajshahye - - - - -	7— 6	8— 5	6— 4
Howrah - - - - -	7— 11	5— 4	6— 7
Purneah - - - - -	7— 3	7— 7	9— 7
Tipperah - - - - -	7— 4	11— 4	9— 6
Burdwan - - - - -	7— 3	7— 6	5— 6
Chittagong - - - - -	7— 3	10— 4	6— 10
Nuddeah - - - - -	7— 1	13— 4	8— 6
Backergunge - - - - -	6— 4	5— 5	7— 5
Moorshedabad - - - - -	5— 0	9— 2	5— 1
Sylhet - - - - -	9— 6	5— 7	7— 7
Bhaugulpore - - - - -	10— 3	8— 9	10— 3
Rungpore - - - - -	10— 8	6— 11	5— 0
25—	242— 9	211— 2	171— 11
	9— 8	8— 5	6— 10

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NOTE BY MR. SECRETARY BUCKLAND.

THE accompanying statistical returns* are not at all satisfactory to my mind, but they are the best that can be compiled from the materials at present available, viz. : the annual reports of the late superintendent of police's office, and the annual figured returns of the Sudder Nizamut Adawlut; but it will be immediately observed that the returns of these two independent authorities neither tally the one with the other in those points where the figures might be expected to agree, nor does the one take up a subject at the point where the other left it off, or provide information as to the ultimate results. Nor are these returns themselves perfectly uniform for a term of 10 years. Headings have been altered, new definitions of crimes inserted, and for several years the returns of the whole Chittagong division do not appear in the superintendent of police's statements, an omission which occasioned me some perplexity at the sudden decrease of crime, until I ascertained the cause. At the present time, there is still greater difficulty in procuring statistical information. Since the commissioners of divisions became superintendents of police, there are only the annual returns for each division separately, and there is no compilation of a general return showing the results of a year's operations in the whole of Bengal collectively.

In the returns of the Sudder Court there is also an entire change in the form of tabular statements now submitted, a new set of forms having been forwarded by the Honourable Court of Directors, with directions to substitute them for those formerly in use.

It is very desirable that this want of uniformity should cease, and it appears to me that it would not be difficult so to remodel the multiform periodical statements, now submitted by the different authorities, as to make them more simple and easy for the compilers, and more practically useful for statistical purposes. I would merely observe that the Sudder Court has the power, by Regulation VII.

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of

* Marked (A.) to (F).

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of 1829, to prescribe the form of periodical returns to be furnished by the judicial or police officers under this presidency, but since the appointment of a superintendent of police, that officer has always determined the forms to be used for police returns.

I now turn to the several statements which have been compiled.

Statement (A) is taken from the reports of the superintendent of police, and exhibits the total number of offences ascertained by the police to have been committed in the Regulation Districts of the Lower Provinces from 1843 to 1852, the total number of persons arrested, convicted, committed, and acquitted.*

This return embraces every kind of criminal offence, heinous and petty.

The sudden increase observable in the entry of number of cases in 1845, viz., 1,17,001 against only 43,487 in 1844, arises from the fact that in 1844 only the number of cases into which inquiry was made by the police was exhibited; whereas from 1845 the total number of offences actually ascertained to have been committed, though they led to no subsequent inquiry, has been entered.

Again, from 1845 the number of persons committed to the sessions is not separately shown, but the result is included in the convictions and acquittals without any distinction. I point out these discrepancies because they derange all averages which it is attempted to draw from a mere addition of the figures presented.

I am unable to find any explanation for the sudden falling off in the number of crimes shown in 1850, in which year, even including the Chittagong returns, only 90,154 offences are given, whilst in 1849 they amounted to 1,41,895. There is, however, not a corresponding decrease in the number of persons arrested (though there is a decrease), viz., 91,742 in 1850 to 97,645 in 1849.

But the returns for 1851 and 1852 continue to exhibit a gradual decrease, which shows a general result unfavourable to any presumption of activity on the part of the police. The rough average proportion of convictions to acquittals is five to three, but I place no reliance on such an average, as this return includes petty offences, and also the punishments inflicted on police officers and chowkey-dars by fines of small amount, for which the orders are passed merely on a darogah's report.

Statement (B) is also compiled from the reports of the superintendent of police, and exhibits the value of property stolen and recovered in each year from 1843 to 1852. It will be seen that the average value of stolen property reported amounts to 5½ lakhs per annum, but this is a return on which much dependence cannot be placed; as every one acquainted with the duties of a magistrate, must be aware how frequently losses are exaggerated on the one hand, and how frequently on the other hand losses are concealed; and often, when it is found impossible to conceal the outward signs of violence from burglary or dacoity, the owner of the house will stoutly deny the loss of any property, in order to avoid the further trouble of an investigation. There was a case at Serampore in Mr. L. S. Jackson's time, when the owner of a house in which a dacoity had been committed, on hearing that the magistrate was coming in person to investigate the crime, borrowed a quantity of brass vessels and ornaments from his neighbours, and tried by this device to support the story which he had told to the police, that the dacoits had carried off no property. But the magistrate observing that all the vessels, &c., bore marks of being in daily use, detected the scheme, and soon found all the broken chests and boxes of the house which had been carefully hidden away. In Baraset, a man who had been robbed of about 5,000 rupees in a peculiar iron safe, denied his loss on oath to the police at the time; and when, several years afterwards, the dacoity commissioner obtained a clue, which I think led to the recovery of the iron-safe and part of the money, the owner at once admitted his loss, and had a very narrow escape of being punished for the perjury which he had committed.

The average amount of property recovered is a little above 14 per cent.; but I observe that in the Chittagong division, in 1851, it came as high as 22 per cent.

Statement (C) is taken from the return of the superintendent of police. This
 return

* A statement, marked (D), has been compiled from the Sudder Court's returns, which shows the same particulars as this, but the figures differ throughout to the extent of two or three thousand in the totals of the number of persons arrested, and this difference pervades all the other columns.

return only commenced in 1845, and its object is to illustrate the practical working of Regulation II. of 1832, which prohibits the police from inquiring into cases of simple theft or burglary, except on the complaint and at the request of the individual injured, or under the special orders of the magistrate. The object of the law was clearly to protect the people from the police, to save a person who had been robbed from incurring the further loss and trouble attendant on an investigation by the police. It is submitted that the existence of such a law is condemnatory of the character of the police, and it is further submitted that this law, benevolent in its intention to the public, is practically most benevolent to the thieves. It is impunity which encourages crime, and if no attempt is made to trace the offenders, they enjoy a practical impunity.

The statement shows that for 14 burglaries committed, only one burglar is punished, the chances being thus 13 to one in the burglar's favour. In thefts the proportion is rather higher against the thieves, viz. as eight to three; the general average being three convictions to eight offences.

But in numerous cases of theft the offender is caught on the spot, and moreover cases of theft are concealed or not reported, in many instances, where the property lost is of small value, or the owner has a doubt whether his property has been lost or stolen. It would be contrary to all experience to suppose that burglaries are really more numerous than thefts; but it is most difficult to conceal a burglary, the scind, or hole in the wall or tatty, being easily discernible for many days, even after it has been repaired. It is further to be noticed in this return that the acquittals considerably exceed the convictions. Out of every seven thieves arrested by the police, rather less than three are convicted, and rather more than four are acquitted. Among the burglars the proportion is a little more than one conviction to two acquittals. Nor does this show the true proportion.

It is very well known that, in spite of all orders to the contrary, the returns of the police do not show the true number of persons arrested by them on suspicion and subsequently released. Some of them draw a fine distinction as to the point where an arrest is consummated, this consummation not taking place until the proof for the conviction of the individual is obtained. I believe it to be entirely an erroneous opinion to suppose that an efficient police can work well without laying hold of a much larger number of persons who will be acquitted than those who will be convicted. I once had a police return from Liverpool in my possession, which showed an honest out-turn of only one conviction to eight acquittals in cases of theft which had come before the police. It is no doubt most desirable to protect the public from being exposed to unnecessary interference and arrest by the police; but this can be more effectually done by requiring a strict account of every individual whom the police sent for, than by seeking to maintain an average proportion between convictions and acquittals which is deceptive and unnatural. This proportion of convictions and acquittals has long been held by the Sudder Court to be a test of official character, and has led to the most contradictory conclusions. But in the course of last year, when a case came before the Court, which showed that, in a particular district, the police had never made a mistake as to the parties whom they arrested, the system was exposed, and a circular order issued with a view to secure the correct return of all persons apprehended and released by the police.

The statement marked (D.) is compiled from the returns of the Sudder Court, and has been already referred to in connexion with Statement (A.)

Statement (E.) shows the operations of the Sessions Court from 1843 to 1852, and is compiled from the returns of the Sudder Court. It appears that there are rather more than 4,000 prisoners committed annually to the sessions, and the result of the sentences passed in those courts gives about three convictions to two acquittals. This number of acquittals is high, considering the long inquiries which have been gone through by the police and the magistrate previous to commitment. But it is this long inquiry which gives the accused greater facilities of escape, chiefly by tampering with the weary and not unwilling witnesses. However, if the number of trials referred to the Sudder be counted, as they fairly may be, as regards the Sessions Court itself, for convictions in the Sessions Court, the proportion of convictions to acquittals in the sessions becomes about two to one.

The actual figures of this statement show an average on the ten years of 1,935 convictions to 1,237 acquittals, with 512 prisoners referred to the Sudder Nizamut.

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The statement marked (F.) shows the result of the referred cases in the Sudder Court, and also of the appeals against the convictions of the sessions judges.

There is a discrepancy in the figures in these two statements (E.) and (F.), as to the total number of persons annually referred to the Sudder Nizamut. This is explained by the circumstance that the Statement (E.) includes only the persons sent up from the Sessions Court from 1st January to 31st December; but Statement (F.) includes only those cases received in the Sudder Court from 1st January to 31st December, so that the cases which have been referred by the sessions judges in the end of December, are taken into account in Statement (E.) for that year; but in Statement (F.) they only appear when they have arrived some time in January in the ensuing year. The average annual number of persons convicted in referred trials is 332 to 148 acquitted.

The result of the appeals against the orders passed by the sessions judges is only imperfectly shown in these returns; but from one of the figured returns (No. 2) prepared by Sir Robert Barlow, I find that from 1848 to 1852 inclusive, the number of petitions of appeal averaged 248, the sentences being modified or reversed in 85 cases, and upheld in 182 cases; as the average number of prisoners in each case appear to be about two and a half, the annual average of prisoners convicted at the sessions (amounting to 1,935) suffers a further reduction of 200 by the result of the appeal to the Sudder.

Of the total 4,000 persons annually committed to the sessions for heinous crimes, it thus appears that the conviction of 1,735 takes place in the sessions effectually, and 332 in the referred trials to the Sudder, so that of the whole number committed very nearly one-half is eventually acquitted.

The want of accuracy in the materials from which the present statements have been compiled, and the time that has been spent in fruitless endeavours to reconcile discrepancies, render an apology necessary for the meagreness of the conclusions which I have ventured to draw from them; but it seems to be very unsafe to build upon foundations so unstable, and which would probably be found on further inquiry to be still more untrustworthy than they appear.

(signed) C. T. Buckland.

30 April 1856.

(A.)

AN EPITOME of the TOTAL OFFENCES ascertained by the Police to have been Committed in the Lower Provinces from the Years 1843 to 1852 inclusive.

YEAR.	Number of Cases.	Number of Persons Arrested.	Number of Persons Convicted.	Number of Persons Committed.	Number of Persons Acquitted.	Number of Persons remaining for Trial at close of the Year.	REMARKS.
1843	44,774	86,543	40,280	4,409	34,611	4,950	1,090 died, transferred, or escaped.
1844	43,487	82,987	45,025	4,022	30,809	1,943	1,188 " " "
1845	1,17,001	86,623	50,235	-	32,831	2,537	1,020 " " "
1846	1,19,932	87,302	52,240	-	31,578	2,610	874 " " "
1847	1,29,708	89,789	53,454	-	32,722	2,548	1,065 " " "
1848	1,34,200	93,975	56,648	-	33,550	2,695	1,082 " " "
1849	1,41,895	97,645	59,246	-	34,733	2,651	1,014 " " "
1850	90,154	92,342	54,683	-	33,392	2,716	1,019 " " "
1851	90,743	90,483	52,053	-	34,005	3,137	1,278 " " "
1852	87,788	87,549	53,351	-	29,966	3,058	1,274 " " "
TOTAL -	9,99,682	8,95,238	5,17,215	-	3,28,197	28,845	10,904
Average of the Ten Years -	99,978	89,463	51,721	-	32,820	2,874	1,090

(B.)

VALUE of PROPERTY Stolen and Recovered.

Y E A R.				Computed Value of Property Stolen.			Computed Value of Property Recovered.			R E M A R K S.	
				Rs.	a.	p.	Rs.	a.	p.		
1843	-	-	-	4,70,548	7	7 1/2	86,108	9	5	18.5 percentage of recovery to loss.	
1844	-	-	-	4,55,215	1	5	65,131	-	4	14.0 " "	
1845	-	-	-	5,75,572	10	1	85,115	12	3 1/2	14.7 " "	
1846	-	-	-	4,68,083	6	5 1/2	78,229	7	8 1/2	16.7 " "	
1847	-	-	-	5,69,851	10	10 1/2	82,726	15	1 3/4	16.2 " "	
1848	-	-	-	5,71,039	14	3	79,855	5	- 1/2	13.9 " "	
1849	-	-	-	5,58,913	1	9 1/2	75,638	12	8 3/5	13.5 " "	
1850	-	-	-	5,49,823	7	6 1/2	81,292	14	7 3/4	14.7 " "	
1851	-	-	-	6,34,944	13	9 1/2	80,676	-	2 1/2	12.7 " "	
1852	-	-	-	6,10,279	9	5 1/2	61,462	8	4 1/2	10.0 " "	
TOTAL				54,63,262	3	2 1/2	7,76,237	5	10 1/2	14.2 " "	
AVERAGE				5,46,327	3	6	77,623	11	9	14.2 " "	

(C.)

STATEMENT of THEFT and BURGLARY from 1843 to 1852 inclusive.

Y E A R.	CR I M E.	Number.	Cases inquired into.	Persons Arrested.	Convicted.	Discharged.	P E N D I N G.
1843 -	{ Theft - - - Burglary - - }	- -	- -	- -	- -	- -	{ Remark.—There is no Return of this nature for these two years, the Average is therefore Octen- nial instead of Decennial, as in the other Statements.
1844 -	{ Theft - - - Burglary - - }	- -	- -	- -	- -	- -	
1845 -	{ Theft - - - Burglary - - }	10,116 11,227	5,221 2,323	9,859 3,773	3,662 1,288	5,881 2,280	316 205
1846 -	{ Theft - - - Burglary - - }	9,956 10,660	5,162 1,725	8,932 2,155	3,299 1,144	5,278 1,790	355 221
1847 -	{ Theft - - - Burglary - - }	10,487 11,570	5,143 1,858	8,319 3,826	3,065 1,345	4,964 2,319	290 162
1848 -	{ Theft - - - Burglary - - }	11,291 13,159	5,453 1,900	8,451 3,505	3,283 1,100	4,929 2,259	239 146
1849 -	{ Theft - - - Burglary - - }	11,613 14,143	5,535 2,161	8,199 3,454	3,414 1,236	4,533 2,068	252 150
1850 -	{ Theft - - - Burglary - - }	12,881 16,403	5,799 2,054	7,948 3,453	3,365 1,149	4,325 2,112	258 192
1851 -	{ Theft - - - Burglary - - }	14,115 19,716	5,354 2,100	10,448 3,579	4,491 1,286	5,494 2,066	203 pending, 20 died, 10 escaped, 164 transferred 66. 170 pending, 9 died, 4 escaped, 12 transferred 32.
1852 -	{ Theft - - - Burglary - - }	13,531 18,987	5,486 1,997	9,640 3,658	4,217 1,413	4,987 1,993	203 pending, 14 died, 17 escaped, 199 transferred. 189 pending, 10 died, 2 escaped, 51 transferred.
TOTAL	{ Theft - - - Burglary - - }	93,990 1,15,565	43,153 16,118	71,796 28,403	28,796 9,961	40,390 16,886	2,606 1,555
	{ Theft - - - Burglary - - }	11,623 14,483	5,394 2,014	8,977 3,550	3,599 1,224	5,048 2,110	

No. 15.
Note, by
Mr. Secretary
Buckland.
30 April 1856.

No. 1.

(D.)

ABSTRACT STATEMENT of the Number of Persons brought to Trial, Acquitted, and Convicted, by the Magistrates and their Assistants in the Lower Provinces, and the Number Committed to take their Trial at the Sessions, from the Year 1843 to 1852 inclusive.

Y E A R.	Prisoners under Examina- tion on the 1st January.	Apprehended during the Year.	Received by Transfer.	TOTAL.	Convicted.	Acquitted.	Committed.	Died.	Escaped.	Transferred.	Pending.			Explanation of Column 7.			TOTAL.
											In Jail.	On Bail.	TOTAL.	Summoned by the Magistrate and his Subordinates.	Sent in by the Police.	Released on Bail by the Police and not required to appear before the Magistrate.	
1843 -	-	1,858	83,108	353	85,319	41,911	36,310	107	644	388	599	1,578	2,197	-	-	16,290	36,310
1844 -	-	2,167	85,318	345	87,830	46,609	33,935	92	564	541	594	1,410	2,004	-	-	10,666	33,935
1845 -	-	2,004	89,241	425	91,670	50,387	34,250	118	359	570	642	1,567	2,209	15,328	8,699	10,223	34,250
1846 -	-	2,209	90,041	373	92,623	53,080	32,866	65	442	386	760	1,502	2,262	16,417	7,798	8,651	32,866
1847 -	-	2,257	93,313	355	95,925	54,319	33,786	74	617	423	712	1,436	2,148	15,871	9,802	8,113	33,786
1848 -	-	2,147	96,806	215	99,168	57,550	34,678	105	742	292	671	1,646	2,317	17,356	9,212	8,110	34,678
1849 -	-	2,317	99,424	302	1,02,043	59,363	35,628	90	585	388	694	1,632	2,326	18,223	10,569	6,836	35,628
1850 -	-	2,326	93,606	420	96,352	55,252	34,292	83	493	468	637	1,512	2,149	18,633	8,773	6,886	34,292
1851 -	-	2,151	92,295	507	94,935	52,622	34,680	110	535	701	907	1,697	2,604	18,244	9,523	6,911	34,680
1852 -	-	2,601	89,109	405	92,115	53,692	30,784	137	611	589	820	1,677	2,497	15,734	9,128	5,922	30,784
TOTAL -	-	22,037	9,12,261	3,700	9,37,998	5,24,785	3,41,209	981	5,592	4,746	7,036	15,657	22,713	1,56,826	73,506	88,608	3,41,209
AVERAGE -	-	2,203	91,326	370	93,799	52,478	34,120	98	559	474	703	1,505	2,271	15,682	-	-	34,120

ABSTRACT STATEMENT showing the Number of Persons brought to Trial, Acquitted, and Convicted by the Sessions Courts in the Lower Provinces, and the Number of Persons whose Cases were referred to the Nizamut Adawlut, from the Year 1843 to 1852 inclusive.

Y E A R.	Prisoners under Trial on the 1st January.	Committed during the Year.	Received back from the Nizamut Adawlut.	Received by Transfer.	Total.	Convicted.	Acquitted.	Referred to Nizamut Adawlut.	Commitment cancelled.	Died.	Escaped.	Transferred.	Pending.
1843	-	3,789	20	8	4,270	2,096	1,113	592	14	25	6	15	409
1844	-	4,085	52	13	4,559	2,313	1,237	475	19	20	4	15	467
1845	-	3,780	16	13	4,276	2,131	1,289	471	28	30	1	8	318
1846	-	3,522	13	183	4,036	1,782	1,216	400	23	19	14	156	426
1847	-	3,576	13	241	4,256	1,764	1,300	504	54	20	-	201	413
1848	-	3,557	4	11	3,985	1,797	1,183	458	16	29	2	-	500
1849	-	3,663	6	8	4,177	1,889	1,301	535	32	24	1	2	383
1850	-	3,742	17	5	4,147	1,740	1,226	529	39	21	-	5	587
1851	-	3,707	63	12	4,369	1,945	1,270	523	67	17	3	5	539
1852	-	3,855	20	3	4,417	1,944	1,183	640	80	34	1	3	532
TOTAL	-	37,276	224	497	42,492	19,351	12,378	5,137	372	248	32	410	4,574
AVERAGE	-	3,727	22	49	4,249	1,935	1,237	512	37	24	3	41	457

No. 15.
Note by
Mr. Secretary
Buckland.
30 April 1856.

No. 15.
Note by
Mr. Secretary
Buckland.
30 April 1856.

No. 3.

(F.)

ABSTRACT STATEMENT showing the Number of Criminal Cases referred or appealed to the Nizamut Adawlut, with the Orders passed thereon, together with an Abstract Statement of Criminal Business disposed of, from the Year 1848 to 1852 inclusive.

Y E A R.	TRIALS REFERRED UNDER THE REGULATIONS.							TRIALS CALLED FOR ON PERUSAL OF THE ABSTRACT.							PETITIONS OF APPEAL From Sentences of the Sessions Courts, presented to the Court or forwarded by the Sessions Judge.					
	Number of Cases pending on the 1st of January of each year.	Number of Cases received during the year.	Total Number of Persons under Trial.	Number of Persons convicted.	Number of Persons acquitted.	Number of Persons whose Cases were remanded.	Number of Cases pending at the end of the year.	Pending on the 1st January of each year.	Received during the year.	Total.	Order confirmed.	Order modified.	Order reversed.	Pending at the end of the year.	Pending on the 1st January of each year.	Received during the year	Total.	Petition rejected.	Petition admitted and the Case called for.	Pending at the end of the year.
1843 -	8	256	560	373	125	37	9	1	20	21	6	2	12	1	14	181	195	186	38	21
1844 -	9	199	472	265	179	14	7	1	19	20	7	4	9	-	21	246	267	117	137	13
1845 -	7	215	518	315	114	10	15	-	8	8	-	-	5	3	13	319	332	100	221	11
1846 -	15	204	453	303	110	10	20	3	14	17	5	3	7	2	11	238	249	43	199	7
1847 -	20	201	480	331	141	4	3	2	7	9	3	-	5	1	7	218	275	22	198	5
1848 -	3	193	438	285	141	4	4	1	16	17	8	1	8	-	5	227	232	21	207	4
1849 -	4	241	583	398	133	10	14	-	16	16	6	2	7	1	4	285	289	2	286	1
1850 -	14	202	519	305	176	16	8	1	25	26	10	4	11	1	1	378	379	48	325	6
1851 -	8	227	522	318	173	10	10	1	22	23	8	7	8	-	6	489	495	108	374	13
1852 -	10	244	652	431	188	16	6	-	27	27	18	3	5	1	13	607	620	153	448	19
TOTAL -	98	2,182	5,497	3,324	1,480	131	96	10	174	184	71	26	77	10	95	3,188	3,333	770	2,433	100
AVERAGE -	9	218	549	332	148	13	9	1	17	18	7	2	7	1	9	318	333	77	243	10

— No. 16. —

MINUTE by the Right Honourable the Governor-General.

No. 16.
Minute by the
Governor-General.
18 February 1857.

BENGAL POLICE.—The Honourable Court of Directors, in their despatch in the Judicial Department, No. 41, dated the 24th September 1856, have expressed their conviction that an immediate and thorough reform of the police in all the Old Provinces of India is loudly called for. They have pointed generally to the evils of the existing system, have suggested remedies for those evils, and have desired the Government of India to take the subject into its early consideration; and, after communication with the other Presidencies, to report fully its sentiments as to the expediency of the general reorganisation of the police throughout India upon some such system as that which obtains with respect to the police of the Punjab, or perhaps the constabulary of Ireland, and as to the mode and cost of the proposed reform.

2. This despatch has been communicated to the several local* Governments with a view to obtain the opinions of those Governments on the Honourable Court's suggestions. But we have already before us the recommendations of the Lieutenant-Governor of Bengal on all the material questions of police and criminal justice relating to the Lower Provinces. These, therefore, we may proceed to consider without waiting for a further communication from the Lieutenant-Governor, whose opinion on the several points referred to in the Honourable Court's despatch are already on record.

3. As the Honourable Court has invited the Government of India to report fully its sentiments as to the expediency of the general reorganisation of the police of India upon some such system as that of the Punjab, or perhaps of Ireland, I conceive that I shall best answer that call by stating freely such objections to the Honourable Court's plan as have occurred to me, and by proposing the adoption of the course which has most recommended itself to my judgment wherever a departure from that plan appears to me advisable.

4. The Honourable Court are in favour of one general plan of police organisation for the whole of India, modified according to circumstances. The main features of this plan are that in each Presidency or Government there should be one general superintendent of police; that there should be a force under him, consisting of horse and foot, superintended in its larger divisions by European subalterns, and equipped, clothed, and disciplined, so as to render it efficient and serviceable without giving it an absolutely military organisation; that the duties of this force should be purely of a preventive character, namely, "the preservation of the public peace," and "the adoption of necessary measures for the prevention of crime;" that the detective police should form a constituent portion of each battalion of the preventive police under the European officers; that the preventive police should have nothing to do with the preparation of evidence, but that the detective police should for the present have power to make preliminary inquiries of a judicial character; that the size of the districts should be diminished; that the police of each district should be taken out of the hands of the magistrate and given to an European officer with no other duties, and responsible to the general superintendent; that no native police officer should be trusted with fiscal powers; and lastly, that the pay of the detective police should be raised, and more effectual measures taken to punish delinquency and reward good service.

5. I venture to think that the adoption of a common plan for all India, founded upon the suggestions of the Honourable Court as above stated, would involve much change and expense that is not really necessary. Reform of the police is most needed in Madras and in the Lower Provinces of Bengal, but the imperfections which abound in the systems of police in these two great divisions of India are not the same, and, except in one respect, of the insufficient pay of the native officers, have their origin in different causes. So, likewise, Bombay and

* Bengal, N.W. Provinces, Madras, Bombay.

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and the N. W. Provinces, where reform is much less needed, differ materially from each other, and from the other provinces in respect to the condition of the people, the nature of the land tenures, the physical aspect of the country, and other important characteristics; and a system of police which may answer well in the one would be inapplicable to the circumstances of the other.

6. We shall, therefore, in my opinion, be far more likely to arrive at a sound practical result, and to provide effectually for the protection of life and property throughout India, if we treat each Presidency and Lieutenant-Governorship separately, according to its own wants, of course bearing in mind certain leading principles which must necessarily be common to all, than if we postpone consideration of the Bengal question until replies are received from the other Presidencies, and endeavour to frame one scheme which, with minor modifications, shall be equally applicable to all.

7. In considering the reform of the police of Bengal, the first point upon which I shall touch is the appointment of a general superintendent of police for the whole Presidency, a point upon which the Honourable Court have strongly insisted, and to which they attach the greatest importance. The desire which the Court entertain of giving a semi-military organisation to the police of each Presidency naturally enhances in their view the importance of aiming at uniformity of system by the creation of a single and responsible head of the whole force. I am, however, convinced, for reasons that will be given presently, that any such semi-military organisation of the police of Bengal generally is inapplicable to the circumstances of the Province; and, therefore, I shall consider the question of appointing one general superintendent of police in Bengal with reference only to a police which is to be established mainly for detective purposes, and the apprehension of furtive criminals, but which will be aided by such semi-military force, like the station-guards at Patna, the Hill-Rangers at Bhaugulpore, or the new police corps for the Sonthal Pergunnahs, as may be found necessary for the suppression of disturbance in particular localities, or to support the ordinary police in case of resistance.

8. The Government of Bengal embraces an enormous extent of territory, extending from the magistrates' district of Champaraun in the Patna division to the district of Sandoway in Arracan, a distance of 1,000 miles; from the district of Debroogurh in Assam to the district of Pooree in Cuttack, a distance of 850 miles; and from the district of Tipperah in the Chittagong division to the boundary of the province of Nagpore, a distance of 650 miles. In this extended space there are five principal divisions,* in which as many different languages are spoken; and there are also numerous tracts inhabited by aboriginal and wild tribes, none of whom understand the languages spoken by the others or by the more civilised denizens of the plains. These several divisions and tracts are separated from each other, not only by diversity of language and custom, but by the absence of all means of ready communication; so that there is little community of feeling or interest between the corresponding ranks of the population in each, and none at all between the criminal classes, the individuals of which carry on their depredations within their own narrow and confined limits, and (except the Thugs who are now well-nigh exterminated, and the Bengal dacoits, the gangs of whom do not extend their operations beyond the districts adjoining that in which their headquarters are established) almost without concert of any kind.

9. The experiment of having one general superintendent of police for this large and incongruous territory has been tried, and has failed. The office of superintendent was created in 1837 and though it was found impossible to place under him any of the Non-regulation Districts,† or the province of Cuttack; and though it was afterwards found necessary to relieve him of the division of Chittagong, yet, even within this comparatively small, though actually most extensive sphere of authority, it was found that the superintendent could exercise little more than a nominal control over the district magistrates; that he was unable to visit the more distant districts except at rare intervals, and those nearer more than once a year; and that all that he did could be done far more effectually by the

* Behar, Bengal, Orissa, Assam, Arracan.

† Chota Nagpore, Assam, Arracan, Darjeeling, Cachar, Cossya Hills.

the local government itself, aided by local superintendents of police, each charged with the control of the police in manageable divisions, consisting of four or five districts. Accordingly, so lately as 1854, the general superintendency of police was abolished, and the duties of local superintendents of police were again assigned throughout the country, as they had all along been in a great part of it, to the commissioners of revenue. It has not, I believe, been found that the control over the police in Bengal has, in any respect, been weakened by this arrangement. The system prevails now not only in every part of the Bengal Presidency without exception, but in the Non-regulation Provinces of the Punjab, Oude, and Pegu, and it is everywhere found to work well, so far as the materials on which it has to work enable it to do so.

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10. It may be added, that, if it has been found that one general superintendent of police could not control the operations of the civil police in a portion of the Lower Provinces, there is very strong ground for presuming that such an officer, however great his aptitude and energy, would be unequal to the duty of controlling the semi-military and civil police, augmented as it will be in numbers, throughout the whole of those provinces.

11. The next question which arises for consideration is the constitution of the police force.

12. In the Punjab, from which the Honourable Court desire that the model should be taken for all India, the preventive or military police consists of six regiments of foot, containing 5,400 men, and 27 troops of horse, numbering 2,700 men, and is superintended by four British officers as police captains. The infantry furnish guards for jails, treasuries, frontier posts, and escorts for treasure and civil officers in transit. The cavalry are posted in detachments at the stations; and smaller parties, stationed along the grand lines of road, serve as mounted patrols.* Both horse and foot are ready to reinforce the civil police, "the former to crush resistance, the latter to expedite pursuit." The civil police in the Punjab are very much on the same footing as that in the North-western Provinces and Bengal, but they are much more numerous. The territory is divided into 228 police jurisdictions or thannahs, in each of which is a police officer (darogah), on a salary varying from 100 rupees to 50 rupees a month, with one or two deputies, and about 30 policemen. The total strength is about 6,900 of all grades. But in the Punjab and the North-western Provinces the police establishments of the thannahs are controlled by the tahsildars, each of whom, in addition to his fiscal duties, exercises a vigilant control over the police within his jurisdiction, which on an average consists of about three thannahs. This is an important link in the chain of police management between the district magistrate and the darogah, which in Bengal is either wholly wanting, or is imperfectly supplied by the joint, deputy, or assistant magistrates in charge of subdivisions.

13. It is to be observed that the immediate duties of the military or preventive police are, strictly speaking, not those of policemen at all. It is not by them that crime is either detected or prevented, or criminals traced or arrested. Their primary business is of a military rather than a civil character; and they are much more frequently employed in relieving the regular troops of irksome duties than in assisting the police. They are brought into play as a civil power only when resistance is offered to the police, or when speed is necessary in the pursuit of offenders along the principal lines of road. Moreover, the detective police do not form a constituent part of the preventive police, but are quite independent of them, and under a perfectly separate organisation.

14. Now, in Bengal the nucleus of a semi-military force, sufficient for the occasional support of the ordinary police, as well as for other duties, already exists in the Patna Station Guards, the Bhaugulpore Hill Rangers, and the corps which has recently been raised for police service in the Sontal pergunnahs. The Patna Guards have been organised on their present footing since 1848. They supply personal guards to the commissioner of the division and the judges of the districts named in the margin.† They also furnish jail, treasury, and opium guards

* Punjab Report for 1850-51, para. 162.

† Patna, Shahabad, Behar, Sarun, Chumparun, Tirhoot.

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guards for these districts, and escort for treasure and prisoners. A portion of the force remains at head-quarters at Patna, where they are drilled and disciplined under the eye of the European commandant, and are available for relief and for aiding the police in any emergency. The Bhaugulpore Hill Rangers, in like manner, supply personal and station guards in the districts of Bhaugulpore, Purnea, and Monghyr, and are also available for escort duty, and as an auxiliary police force in case of need.

15. In 1845 the Government of Bengal proposed to form three corps of station guards, one for the districts in the neighbourhood of Patna, a second for the districts of the Delta and Western Bengal, and a third for Bengal north and west of the river Ganges. This resulted in the establishment of the Patna police-guard, by way of experiment; but the formation of the other two corps was postponed, partly on the ground of economy, and partly owing to a doubt whether two additional corps would suffice for the duties assigned to them in the wide extent of territory in which it was proposed to employ them. Since then, and not longer ago than last year, the Lieutenant-Governor has proposed to raise three such corps, in addition to the one already sanctioned for the Sontal pergunnahs.

16. It appears to me, that if the civil police force be reorganised in the manner hereafter to be mentioned, and if due provision be made for its proper supervision and control, all the objects of a military police, so far as concerns Bengal, will be answered by the enrolment of two more corps of station guards, under the same organisation as that of the Patna station guards and the Sontal police force. I am disposed to think that if the corps of Bhaugulpore Hill Rangers be made, as it ought to be, a purely civil corps, by means of it and of the Sontal police regiment, station guards could be supplied to all the Bengal districts to the west of the Bhagerutty, as well as to Dinagepore and Malda; and then one corps with its head-quarters at Berhampore, and another with its head-quarters at Dacca, would probably give all that is required. The additional expense involved in entertaining these two corps of station guards would be trifling, as a large number of burkundauzes now employed to guard the several gaols and treasuries would be dispensed with.

17. The head-quarters of the Behar corps would be, as at present, at Patna, where it is most needed. The hill-rangers would have their head-quarters at Bhaugulpore; the Sontal corps at Soory; and the Berhampore corps at Berhampore, all within reach of the Sontal pergunnahs; and the Dacca corps would have its head-quarters at the spot in Bengal at which it has been most frequently surmised that resistance to the constituted authorities may occur.

18. Cuttack is to a certain extent supplied with a reserve police force in the Balasore paiks; Chota Nagpore is preserved against resistance or disturbance by its local battalion. Assam has a similar protection, and so has Arrakan.

19. For these several corps no general superintendence but that of the local Government, and no special organisation other than that of internal discipline, is required. The commandant of each should be under the orders of the commissioner in whose division he is placed, and the detachments in each district under the orders of the local magistrate. Discipline might be insured by occasional inspection of the men at head-quarters by a military officer selected for the purpose.

20. I now come to the constitution of the civil police. On this subject we have had before us for a long time a recommendation from the Government of Bengal, that the salaries of the mohurirs and jemadars who occupy the position of the deputy police officers in the Punjab, and also the salaries of the burkundauzes should be considerably increased. The Lieutenant-Governor, in a letter dated 30th April 1855, has submitted a definite proposition on this head, involving an additional expenditure of 3,38,609 rupees a year. It is proposed by His Honor that the mohurirs, instead of their present pay, varying from 20 to 5 a month, should one quarter of them receive 40, another quarter 35, and the rest 30 a month; and that the jemadars, instead of their present pay varying from 15 to 4 a month, should one quarter of them receive 20, another quarter 15, and the rest, 10 a month. It is further proposed that the burkundauzes, who are now paid at rates varying from 6 to 2 a month, should one quarter of them receive 6,
another

another quarter 5, and the rest 4 a month. The proposed increase of cost is as follows :—

	Rs.
For Mohurirs - - - - -	1,91,971
„ Jemadars - - - - -	54,640
„ Burkundauzes - - - - -	91,998
TOTAL - - - - -	3,38,609

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The absolute necessity for some such measure as this has been long since recognised* by the Government of India. The proposal has been agreed to by my Honourable Colleagues, and should be at once sanctioned. It is, to my mind, an essential point in police reform, without which no other improvements we can adopt will be of any avail; but I am led to entertain some doubt whether any burkundaz ought to receive less than five rupees a month† in any part of the country, and there is still abundant reason to fear that the police in every grade is numerically insufficient, and that it will be found necessary, besides increasing the pay of the existing establishment, considerably to augment its strength. I think the designation of mohurir, meaning strictly “a clerk,” should be changed to that of naib darogah.

21. The Lieutenant-Governor has proposed, that a “few considerable prizes be held out to darogahs, in the shape of increased salaries for particularly distinguished service.” To this I do not object, provided it be shown in each individual case that the deserving officer is not qualified for promotion to the deputy magistracy. I think that this sort of promotion is the natural and proper reward for a successful darogah of police, and likely to be the most effective in its influence, and I hope that it will be found practicable to award it more generally than the Lieutenant-Governor supposes, especially now that the higher offices in the police are beginning to be filled by natives of character and English education. In this view it appears to me that the Government of India might agree to grant not more than 10 special salaries of 200 rupees, and as many of 150 rupees for distinguished service, to be given only on the condition above expressed, and not by any means as a matter of course.

22. The next point of importance, as it seems to me, is to supply the want which is felt in Bengal from the absence of the tahsildars, who occupy so prominent a position in the system of the Punjab and the North-western Provinces. The number of thannahs in the Lower Provinces, after deducting for city thannahs of a very small extent in the cities of Patna, Moorshedabad, and Dacca, and for the thannahs at the Sudder stations, is said by the Lieutenant-Governor, in his Minute of the 30th April last, to be about 400.‡ The geographical extent of the Bengal thannahs is generally greater than that of the thannahs in the North-western Provinces and Punjab, and the facility of communication from one part of a district to another is less. Making allowance for this, and remembering, on the other hand, that the tahsildars are burdened with heavy fiscal duties, I am disposed to think that the police subdivisions in Bengal may properly consist, on an average, of from three to four thannahs, each under an officer exercising plenary police powers, and also judicial powers, either of an ordinary assistant, or of an assistant with special powers, or of a joint magistrate, according to circumstances. Of these officers, who, if uncovenanted, may very properly be designated deputy magistrates, and who may occasionally be members of the covenanted service, 133 will be required.

23. The

* Note.—In 1843, the Government of India, in sanctioning the augmentation of the darogahs' salaries, desired that the principle might be carried still further, and extended to other classes of police officers; and promised to approve such extension if the increase in the darogahs' pay was found to answer. The Honourable Court, in reference to this, merely observed that the present rate of charge should not be increased without their previous sanction; and nothing has since been done in the matter.

† Note.—Mr. Dampier recommended, in 1840, that there should be two grades of burkundauzes on 5 and 6.

‡ There must be some error in this. The number of thannahs is stated in Mr. Secretary Grey's letter, of the 30th April 1855, to be 527; so that, after allowing for city and Sudder thannahs, there must be about 450 rural thannahs to be provided for.

23. The Lieutenant-Governor states, that there are only 33 officers already available for this service, and that, therefore, 100 more will be needed, whose salaries, according to the scale already fixed for the uncovenanted executive service, will amount to 4,21,200 rupees. This number, His Honor observes, may be diminished, if the strength of the covenanted service be increased. The ordinary strength and pay of the uncovenanted service in Bengal is shown in the margin;* but there are at present 10 supernumeraries, all of the lowest grade, whose salaries amount to 24,000 rupees a year, making the total present expense 4,45,200 rupees a year. Now, if the number be made up to 200, the gradations may be properly arranged somewhat on the present scale, and with some addition to the number of those who are paid at the higher rate, though I am not prepared to agree with the Lieutenant-Governor in thinking that a higher rate of salary than 700 rupees a month, with a pension in prospect, is necessary for securing the most efficient service. I propose, therefore, the following scale :—

The total increase of expense under this head will be 4,12,800 rupees, and I believe it to be absolutely necessary.

24. With assistance of the character thus obtained, and with subordinate police, stimulated to a zealous discharge of their duties by fair wages and a prospect of promotion, I am not inclined to think that any of the districts of Bengal will be too extensive to be managed by a magistrate at its head-quarters, even though he be employed on duties of another kind, or that any division of such districts is required, at all events as a general measure. To any special application for the division of a magisterial district, the Government of India will doubtless always be ready to attend.

25. I now come to the important question discussed in some of the papers before us, as to whether, in certain Regulation districts in the Lower Provinces, the offices of magistrate and collector should continue separate, or whether they should be united in one person. After giving the subject my best consideration, and carefully weighing the arguments which have been adduced on either side, I have come to the conclusion that the two offices where now separate should be reunited, and that the system which is found to work equally well in the Non-Regulation districts in the North-Western Provinces, and in several districts of the Lower Provinces, should be uniformly adopted. It seems to me, speaking with sincere deference to the opinion of my honourable colleague, Mr. Grant, that reason, no less than experience, points to the necessity of concentrating the whole executive power of the Government, in each district of Bengal, in the hands of one experienced man. We have the authority of Lord Dalhousie, after
four

								Rs.
* 1 at 700	-	-	-	-	-	-	-	700
9 at 600	-	-	-	-	-	-	-	5,400
15 at 500	-	-	-	-	-	-	-	7,500
20 at 400	-	-	-	-	-	-	-	8,000
25 at 300	-	-	-	-	-	-	-	7,500
30 at 200	-	-	-	-	-	-	-	6,000
								35,100
								per annum, Rs. 4,21,200

four years' experience of local administration, in favour of the measure ; and we have the earnest and repeated recommendation of the Lieutenant-Governor on the same side. The system of separating the two offices seems to have been adopted rather on theoretical grounds, and in the hope that any change would conduce to the improvement of the police, than from the experience of practical inconvenience from their union ; though if it had been otherwise, the previous system can hardly be said to have had a fair trial, seeing that it existed only a few years, and at a time when the chief energies of the collector-magistrate were taxed for the performance of the onerous duties imposed by the sudden and energetic enforcement of the resumption laws

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26. The Honourable Court have in their recent despatch expressed a clear opinion, that though the union of fiscal and police powers in the hands of a subordinate native officer is to be avoided, and where it exists to be discontinued, there is not "the same objection to the combination of magisterial and fiscal powers in the hands of our European officers, because we can better hope that they will not abuse their power, and because by employing the collector as the principal magistrate of each district, we are able to obtain for the chief administration of the penal laws a more efficient, and especially a more experienced class of officers than would otherwise be available."

"This," they add, "is an important consideration, which ought never to be lost sight of." I beg respectfully to express my thorough concurrence in this opinion.

27. I agree with the Honourable Mr. Grant that a system of administration which suits an uncivilised country may not be adapted to one more advanced in civilisation, but there still remains the question whether the districts in Bengal, in which the offices have been divided, are in that advanced state of civilisation which renders the division of magisterial and fiscal function a preferable mode of local administration to that in which these functions are united ; and whether there is such material difference in point of civilisation between those districts and the districts in which no such division has taken place, or between those districts and all the districts of the North-western Provinces, as to require a separate and more theoretically perfect system of administration. Judging from all the evidence before me as to the state of things in the Upper and Lower Provinces of the Bengal Presidency, I find myself constrained to answer this question in the negative. I think that, in Bengal especially, the efficient administration of the penal laws requires all the force and influence which the Government can bring to bear upon it, and that this force and influence will be increased by substituting for the divided authority now partially existing in these provinces that union of local control which, as it seems to me, is much better suited to the character and wants of the people. I do not think that the case would be met by raising the salaries of the magistrates and reducing those of the collectors, or by putting them upon an equality. An inexperienced collector may be as mischievous as an inexperienced magistrate, and it is not desirable that any man should exercise independent authority of any kind over a whole district until he is ripe for it. And even if experience could be secured in both offices, the division of authority is to be avoided rather than sought. As regards the people, I fully believe that what has been called the patriarchal form of government is, in their present condition, most congenial to them ; and best understood by them : and as regards the governing power, the concentration of all responsibility upon one officer cannot fail to keep his attention alive, and to stimulate his energy in every department to the utmost, whilst it will preclude the growth of those obstructions to good government which are apt to spring up where two co-ordinate officers divide the authority.

28. Neither do I think that a parallel can be drawn between a Bengal mofussil district and the presidency town of Calcutta in respect to a division of offices. In the former the collector is and must be an officer of high authority, whose relation to the zemindars and to the rest of the agricultural community, in connexion with the settlement and collection of the land revenue, and the disposal of quasi-judicial questions relating to it, must always be one of influence and power, and whose co-operation with the magistrate it is most important to secure by the closest union. In Calcutta, on the other hand, the magistrate, an officer of long experience, with an expensive and numerous staff of European and native police at his command, and

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assisted by justices of legal attainments and practice, would derive no appreciable addition of power from being charged with the collection of petty ground-rents, and the excise upon spirits, a duty entrusted to an uncovenanted officer under the control of the collector of the 24-Pergunnahs. Moreover, the concentrated wealth and civilisation of the town of Calcutta are such as to require and support a more perfect division of labour in its local administration than any entire district or town of the mofussil can be expected to claim, upon like grounds, for many generations to come.

29. I propose, therefore, that the Lieutenant-Governor be at once authorised, as opportunities occur, to reunite the offices of magistrate and collector throughout the Lower Provinces wherever they have been separated, assigning to the united offices the salary of 27,000 rupees a year, now drawn by the collectors and magistrates in the North-western Provinces, but liable to reduction on the report of the Commissioner on Civil Salaries, and absorbing as many of the separate magistracies as may be necessary to avoid any additional expense, leaving the remaining salaries now assigned to magistrates available for paying the covenanted officers who will then be employed as joint-magistrates and deputy-collectors in each district, precisely on the same system as in the North-western Provinces. It is to be observed that the officers are now united in thirteen of the Regulation Districts, viz., the three districts of the Cuttack Province, Chumparun, Baraset, Furreedpore, Bancora, Noakolly, Pubna, Bogra, Malda, Beerbhom, and Bhaugulpore. In the two last-mentioned, it was brought about only last year, with the sanction of the Government of India, after the suppression of the Sontal insurrection.

30. But I think it will be advisable, as it is certainly in accordance with the views of the Honourable Court, that the joint magistrate in each district should be charged with the immediate responsibility of controlling the police of the district, somewhat after the fashion of the district superintendent of police in Bombay. The Bengal joint magistrate, like the Bombay superintendent of police, would be under the general orders of the magistrate; but while the magistrate confines himself for the most part to judicial and administrative matters, the joint magistrate would have the control of the executive police, and take the initiative in the prevention and detection of crime. I have already mentioned my reasons for thinking it inexpedient to give a more military character to the Bengal police than it now bears; and it is in accordance with those reasons that I propose that the immediate control of the police should be in the hands of a civil rather than in those of a military officer. The station guards, when their interference is needed to aid the civil police, will be at the disposal of the magistrate and his deputy, but there seems no necessity for placing them, as regards discipline or internal organisation, under any other command than that of their own officers, who will be bound, however, to pay implicit obedience to the authorities of the district in which they are stationed.

31. Having considered the questions which relate directly to the constitution of the stipendiary police of Bengal, I proceed to offer a few remarks on the cognate subjects referred to in the Lieutenant-Governor's Minute of the 30th April last. I propose to discuss in a separate Minute the very important subject of the village watch, the condition of which, owing to the uncertainty which has been suffered to exist as to the persons who are liable to pay for its support, has become deplorable.

32. I agree generally with the Lieutenant-Governor in the remarks recorded by his Honour in the 49th to the 55th paragraph of his Minute, regarding the union of the judicial and executive powers in the same hands. I conceive it to be quite in accordance with the notions entertained by the people of these provinces, and well adapted to their state of civilisation, that the officers who are charged with the duty of superintending and directing the operations of the police should also exercise the powers of a magistrate, to try and punish offenders except in heinous cases. In regard to the magistrate of a district, I am of opinion, that — although it is convenient that he should make over the immediate management of the police to his head-assistant, the joint magistrate, and devote a greater portion of his attention to the trial of the heavier cases within his competence, and the preparation of cases which have eventually to be committed to the sessions for trial—it is most conducive to the public good that he should exercise
a general

a general control over the proceedings of his subordinate officer, and interfere when it may be necessary for him to do so. On the other hand, I see no reason why the joint magistrate should not devote some portion of the time he can spare from police duties to the disposal of judicial business. And with respect to the deputy magistrates in charge of subdivisions, though their attention should be primarily given to police matters, it seems desirable that they should also exercise judicial authority in a large class of cases, referring only such cases as they may not have leisure to deal with to the moonsiff for disposal. In the event of too much being left to the moonsiff, the monthly statements furnished by the deputy magistrate to the magistrate would show it immediately.

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33. I am not averse to that part of the scheme of the Indian Law Commissioners which would invest all the moonsiffs with criminal powers, at any rate, to the extent of those now exercised by assistant magistrates; and I think it expedient that the Lieutenant-Governor should vest with the higher or special criminal powers all such of the class of native judges as are capable of exercising them. All petty complaints of which the police do not take cognisance* might be received, in the first instance, by the moonsiff; and the police might be empowered to send to the nearest moonsiff for trial all cases which seem to them of such trivial importance as not to require the interference of the magistrate, or the deputy magistrate; but I do not think that it would be conducive to the convenience of the people, or otherwise expedient to denude the magistrate, or the deputy magistrates, of all judicial powers, or to prevent the magistrate from exercising a control over the judicial proceedings of the moonsiff on the criminal side.

34. Regarding the salaries and position of the native judges, I shall record my opinion in a separate Minute.

35. I incline strongly to the opinion that the proceedings of the subordinate criminal courts should be of the simplest possible description. I am also of opinion that there should be no appeal of right from the sentence of a subordinate court in criminal matters; but that the magistrate should have authority to revise or modify the decision of every assistant or officer exercising the powers of assistant within his jurisdiction, and that the judge should, in like manner, have authority to revise or modify the decision of every magistrate or officer exercising the powers of a magistrate. The review would take place as a matter of course, and any person would be competent to call the attention of the magistrate or judge to any point upon which the decision had done wrong to any one.

36. In the last paragraph of their despatch the Honourable Court suggest whether the influence, services, and means of information of the landholders and European residents in the Mofussil might not be made more available than at present for purposes of police, especially for the prevention and detection of the more heinous crimes. This subject is treated in the 90th and 91st paragraphs of the Lieutenant-Governor's Minute of the 30th April last, and his Honor, after recapitulating the arguments which may be used in favour of, and against, the measure, though he does not recommend its immediate adoption, leans to the opinion, "that a careful and judicious enlisting into the service of the public of the rich and powerful zemindars and planters of the interior has in it much that seems to promise well, and that it should, at all events, be kept in view as a measure to be at some, perhaps distant, future time, gradually accomplished."

37. As bearing on this point, I desire to submit for the consideration of the Council the fact that, in the island of Ceylon, a considerable number of unpaid justices of the peace have, for some years past, been appointed to aid the stipendiary magistrates in the disposal of cases. Many of the European planters, and most of the respectable natives of each province, have received a commission. They are not vested with a power of punishment, but they can remand a prisoner for further examination, or commit him to take his trial before a competent court, and they can take recognisances for good behaviour. They have also the power

* Such as adultery, abusive language, calumny, slight trespass, or petty assault.

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power of issuing warrants, summons, and subpoenas through the police. The system is said to work well, and to give satisfaction to the people; while the commission is valued by those who hold it, especially the natives, as a social distinction which they would not willingly sacrifice by the abuse of any power which it gives them.

38. I am strongly disposed to think that a similar system might safely, and with great advantage, be adopted in the interior of India, and that in Bengal especially, where so many persons, both European and native, of wealth, influence, and intelligence are to be found, there are peculiar reasons, not only as relating exclusively to the administration of police and criminal justice, but of a wider political character, which render it advisable that an attempt should be made to enlist their services in the cause of order and good government. I should be disposed to authorise the Lieutenant-Governor to vest with the powers of an assistant magistrate, under Act No. XV. of 1843, scarcely equivalent to those of a justice of the peace under the English law, any persons of respectability whom he may consider fit to be entrusted with such power. Persons so empowered would be competent to receive complaints in all except heinous offences, including affray, to issue summons, warrants, and subpoenas, to take evidence, to punish up to fifteen days' imprisonment, and 50 rupees fine; and in cases of theft with one month's further imprisonment, in lieu of stripes, and to refer to the magistrate, or deputy magistrate, for final orders, cases requiring a severer measure of punishment. It is difficult to conceive that powers like these would be abused, except in very rare instances, by the persons whom the Lieutenant-Governor would select to exercise them. Even in the absence of a higher principle, the fear of losing a marked social distinction, and the influence which accompanies it, would prevent such a result; and the benefit which a judicious exercise of such power would be certain to confer on the public, seems to me to demand an early trial of the experiment. We know that, as it is, a quasi-magisterial power is assumed by many zemindars and planters; that, although not recognised by the law or the Government, it is acquiesced in by those around them, and that, upon the whole, advantage results from it. I should consider it a great gain if the Government should be able to obtain the open and active co-operation of the best men of those classes for the furtherance of justice and the maintenance of order. To the public the gain would be, that justice would be brought nearer to every man's door than can otherwise be the case; and to a government it can never be a matter of indifference to enlist amongst its officers and coadjutors the most intelligent, wealthy, and independent members of the community. I would try the experiment, and I would not be discouraged if here and there the trust should not be satisfactorily discharged, or even should be abused.

39. In the 16th paragraph of their despatch the Honourable Court observe, that they "think it desirable that an enactment should be passed, vesting in the magistrate or superintendent of police the power of summarily inflicting severe punishment on policemen in proved cases of delinquency, and that the Local Government should be invariably apprised of instances of their intelligence and integrity, and be prompt and liberal in rewarding such conduct."

40. So far as Bengal is concerned, the law as it stands enables a magistrate to inflict summary punishment on police officers convicted of delinquency of any kind, and the Local Government has the means, which it frequently exercises, of rewarding deserving police officers, either by promotion to the higher grades of the service or by special rewards.

41. To recapitulate, my proposals are:—

First.—That the police of Bengal be reorganised at once without waiting for a plan applicable to the whole of India.

Second.—That there be no general superintendent of police for Bengal, but that the police be superintended, as at present, by the commissioners of divisions acting under the general control of the Government.

Third.—That the police of Bengal be not organised after a military fashion, but that two or perhaps three additional corps of station guards be formed, to protect the offices, jails, and treasuries, to furnish escorts, and to aid the regular police in case of need.

Fourth.—That the salaries of the mohurirs, jemadars, and burkundauzes be raised,

raised, as proposed by the Lieutenant-Governor, at an annual additional expense of 3,38,609 rupees.

Fifth.—That special salaries be assigned to deserving darogahs, at a maximum annual cost of 30,000 rupees.

Sixth.—That either covenanted officers, or uncovenanted deputy magistrates, be placed in charge of subdivisions consisting of from three to four thannahs each, and that 90 members be added to the subordinate executive service at an increased annual expense of 4,12,800 rupees.

Seventh.—That the offices of magistrate and collector where now disunited in Bengal should be combined in the same person, and that such of the covenanted officers as are now magistrates and are not absorbed in the higher office, should be employed as joint magistrates and deputy collectors, but without any increase of salary.

Eighth.—That the joint magistrate in each district should ordinarily have the superintendence of the police under the general control of the magistrate.

Ninth.—That the deputy magistrates exercise judicial as well as police powers.

Tenth.—That the moonsiffs generally be vested with the criminal powers of an assistant magistrate, and with such higher powers as the Local Government may think proper to confer in particular cases.

Eleventh.—That the proceedings of the subordinate courts be made as summary as possible, and that there be no appeal of right.

Twelfth.—That the local government be authorised to vest respectable residents of the interior with the powers of an assistant magistrate.

I was in hopes that the chief part of these reforms might be carried into effect in anticipation of the sanction of the home authorities, but considering the large increase of expense involved, and the terms of the Honourable Court's recent despatch, it will be better that the subject be referred home with our strong recommendation for the issue of early orders. The only exception to this is the reunion of the office of magistrate and collector, which involves no increase of expense, and is in accordance with the views of the Honourable Court. This change, if the Council should so determine, may be carried out at once.

Canning.

18 February 1857.

— No. 17. —

MINUTES by the Honourable *J. A. Dorin* and Major-General the Honourable *J. Low.*

Improvement of the Police in the Bengal Provinces.

No. 17.
Minutes by the
Hon. J. A. Dorin
and Major-General
the Hon. J. Low.
21 Feb. 1857.

I AM prepared to assent generally to all the proposals set forth in the Minute of the Right honourable the Governor-General, and more especially do I concur as to the expediency of the measures suggested in the fourth, sixth, eleventh, and twelfth of them.

It is utterly hopeless to look for a good police, unless you pay the members of it at a rate to ensure honesty, and place them under efficient supervision and control; the expense of doing so is undoubtedly heavy, but it is an expense that must necessarily be incurred, if security of life and property is worth having, and is to be maintained.

I would most earnestly recommend the measure of enlisting the co-operation of respectable landholders and residents in the mofussil in the cause of order and good government, by entrusting them with limited magisterial powers. The measure may possibly fail, and it is not improbable that, in some instances, the power may be abused; but I think it is of such infinite importance to attempt to bring justice nearer than it has ever been yet to the masses of the people, and this seems to me such a reasonable method of doing so, that I would persevere in the trial of the plan at almost any hazard.

I quite agree as to the propriety of making the proceedings of the subordinate courts in petty criminal jurisdiction as summary as possible, and of preventing

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appeals, which are the bane of our judicial system. No officer, however conscientious, will do his best, if he knows that his decisions are to be open to endless appeal; the greater the responsibility, the better chance is there of substantial justice.

I somewhat question whether less than three additional police battalions will be sufficient for the wants of the Bengal provinces; and I think it would be useful if a military organisation were so far given to them, that they should not be always stationary at the same places, but be liable to relief at moderate intervals of time. I believe that the local connexions and prejudices formed and created by long residence in the same spot are highly prejudicial to efficiency. In this case I think there should be one general superintendent, not of police, but of police corps.

The union of the offices of collector and magistrate in one person is, I have little doubt, wrong in theory, but I believe it will work better in practice than any other plan that can be afforded at present, and I recommend that it be carried into effect without further delay.

21 February 1857.

(signed) *J. A. Dorin.*

23 Feb. 1857.

I have carefully perused these interesting papers; I do not see any necessity for there being "one general superintendent, not of police, but of police corps;" but, with that single exception, I fully concur in all the sentiments and remarks recorded in the above Minute by my honourable colleague, Mr. Dorin.

23 February 1857.

(signed) *J. Low.*

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Minute by the
Hon. J. P. Grant.
9 April 1857.

— No. 18. —

MINUTE by the Honourable *J. P. Grant.*

Bengal Police.

9 April 1857.

1. I PROPOSE to discuss the several points raised in the papers before us, in the order in which they are treated in the Minute of the Right Honourable the Governor-General.

2. *Separate Treatment of this Matter.*—I agree most fully with his Lordship in thinking that the question of improving the police of Bengal should not be delayed for the purpose of introducing one uniform scheme of reform at all the Presidencies. To mature such a uniform and general scheme, assuming the expediency of establishing such uniformity, must be the work of a very considerable time; whilst the weakness and defects of the Bengal police are too notorious; the interests at stake in this the most important division of the empire are too great; and the contrast between the provision made for the police of other more favoured but less important provinces, and that made for the police of Bengal, is too glaring, to warrant any avoidable delay. Delay is not unavoidable, because the evil can be remedied, for present purposes, without reference to the systems, present or prospective, of the other Presidencies. Whether, therefore, it be decided that a uniform system should be eventually introduced all over India, or that each Presidency, and each division of a Presidency, should have such a system as may be thought best for itself (on which question I am not in a position to form an opinion at present), I earnestly hope that we may be immediately authorised to do what is pressing required for Bengal.

3. This will not stand in the way of any more general and uniform reform at any future time. For what is it that is most pressing required for Bengal? Many projects, more or less differing from each other, are proposed by way of reform; but there is one foundation on which they are all built, and in respect to the necessity of which all are agreed, namely, a largely increased expenditure upon the native police—such an expenditure at the very least as will raise the expenditure upon this department of administration in Bengal so as to approach to

to what is due to the population, the wealth, and the taxation of this part of the empire; such an expenditure at the very least as will give Bengal a police which, in mere physical strength, is not palpably inadequate. I take the liberty of appending to this paper a copy of a Minute I recorded in another department, under date the 27th of November 1854, which bears so directly upon the present point, that its reintroduction here will save the repetition of an old argument in new words. If an additional expenditure upon the native police of Bengal of all grades, to the amount of some fifteen lacs of rupees a year, is allowed, no matter upon what system the additional force is organised, we cannot fail to do great good. If this expenditure of money is not allowed, no change of system will avail.

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4. *A general Superintendent of Police for the whole Bengal Presidency.*—On this point I agree thoroughly with the Governor-General, for the reasons assigned by his Lordship. It seems to me that the divisional system is the best system now in force in India. Under this system the local administration in all executive departments of what may be called a small province of manageable extent, consisting of five or six districts, is (or should be) entrusted to a single officer of mark and experience, as commissioner; and the general superintendence of the police of his division seems to me an essential part of the business of such an officer, without which the object of the system is not attained.

5. *The Constitution of the Bengal Police Force.*—I agree generally in his Lordship's remarks respecting military police. I would adopt, however, in Bengal exactly the Punjab system of police corps, converting, as is proposed, the Belhar Station Guards (which body I am inclined to think partakes too little of the military character), the Hill Rangers (which body being now purely military must partake too much of that character), and the new levy of Punjabees, into police battalions formed on the Punjab model. I do not see why the Calcutta militia should not undergo the same conversion; it seems to me that a third class of corps between the class of civil and the class of military corps is unnecessary. I feel doubtful whether two additional police corps, as proposed, would quite suffice to protect Bengal as it should be protected, considering the remarkably small number of regular troops which are now or hereafter are likely to be cantoned within its limits. I fear one corps at Dacca will be an insufficient provision for Eastern Bengal. The Sontal side of Bengal is now amply provided for. There is no reason to suppose that because the last outbreak was there, the next will be there also. I look upon the Sontal Pergunnahs as quieted for ever; but I regard the Ferazy population of Eastern Bengal, filling extensive and populous districts now wholly unprotected, as a source of very serious danger, though a danger which requires only the securities provided in every part of India except Bengal, in order to be fully guarded against.

6. I am also doubtful how far we can fairly lay claim to the pay of burkundauzes now employed as jail and treasury guards, as a partial set-off against the cost of the new police battalions. For whatever number of men, whether men of a police battalion or burkundauzes, are employed as jail and treasury guards, that number will be wholly useless for the purposes for which the new police corps are wanted. When, therefore, I speak of the number of new police corps that will be required, I mean corps of such strength as will afford enough movable men, over and above such immovable guards as may be supplied by them.

7. What is at present our disgrace and our danger in Bengal is, not merely that our police burkundauzes are infinitely too few in number to keep the peace among 40 millions of souls, but that the *morale* of the policemen we have is such that they won't fight, even when in sufficient numerical strength at any spot. They are wholly useless, not only in such a grave affair as the Sontal insurrection, but in the common affrays that occur constantly in Bengal. They cannot face the professional lattials. There are numerous cases of European civil officers, with large guards of burkundauzes, put to the rout by ricters less formidable than the professional lattials. It is, in my opinion, not enough that there shall be, as is proposed, at every head-station of a district a body of men to be relied on, who can be sent in force to any part of the district where a formidable rising may take place. Such a body of men at the head-station would be of great occasional use, and would tend to give a general sense of security to the whole district; but we want also other men of the same sort for every day use. For this purpose,

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there must be, I think, if not at every thannah, at least in every small circle of thannahs, a body of men who can be relied on when opposed by such classes as our lattials and dacoits are composed of; and who shall ever be at hand to suppress or prevent the common affrays, and the common acts of force, by which the strong oppress the weak in these provinces. In short, the physical force which every darogah must have at his command, should be a real force, not as now merely a nominal force, which fails him whenever it is wanted for use; and for this purpose, I see nothing for it but to supplant our thannah burkundauzes by semi-military policemen. The detection of crime, I do not doubt, will be best managed by quite a different class of men, whose numbers will be comparatively very few, and whose qualifications must be very different from those required of a sturdy and spirited body of fighting policemen. As a class, I cannot very clearly distinguish these proposed detective policemen from the class to which the present thannah mohurirs belong.

8. I can myself hardly hope that less than three new police battalions will secure Bengal; and whatever number of battalions there may be, I think the strength required for purely police purposes must be provided, over and above the number required as jail and treasury guards. The plan I should prefer would be to have a small separate police corps for every division. This would require for Bengal and Behar several small corps.

9. *District Civil Police.*—I agree with the Right honourable the Governor-General in thinking that the designation of mohurir should be changed to that of naib thannadar, and that these naib thannadars should be classed, and should have their pay raised in the manner and to the full extent recommended by the honourable the Lieutenant-Governor of Bengal. I think also that the proposed classification of the subordinate class called jummadars, is very desirable, and the proposed increase of their pay indispensable.

10. As to the thannah burkundauzes, if they are retained at all, I agree with his Lordship in thinking that five rupees a month are not too much for the lowest class. But my own opinion is that, however much we pay them, these men will be useless; and that unless we replace them by a useful body of men, our intended reform will fail. We require a body of men enlisted on the side of order, who shall be equal in point of courage, and superior in point of discipline and organisation to the professional lattials. These thannah burkundauzes are infinitely inferior to the lattials in all three points. Now, raising their pay might enable us to get men of sufficient courage; it might put the magistrate on a more equal footing in the lattial market with the zemindar and planter than he is on now, but it would do nothing for discipline or organisation. To attain these objects we must have a semi-military body; and as we are to have such a body in the police battalions, I would look to those battalions exclusively for my physical force at the thannah, as well as at the Suddar station. If this use is not made of the proposed police corps, then such corps will be merely what the Calcutta militia are now, which for all common police purposes is not, and was not intended to be, of any use. If this use is made of the proposed corps, then I believe the lattials' occupation will be gone.

11. I am unable to agree with the Lieutenant-Governor in thinking that the thannadars generally are not inadequately paid at present. It appears to me that no increase in the pay of the men under the thannadar will be worth what it must cost, unless the thannadar himself, on whom everything rests, is put upon a respectable footing; raising the pay of the men without raising that of the master, whose pay is already too low, will tend still further to degrade the position of the master. I believe that in thinking the pay of darogahs sufficient, the Lieutenant-Governor is not supported by the general feeling (whether official or unofficial) of the mofussil. However this may be, it seems to me at least certain, that if the proposed increase in the pay of the assistant (the mohurir or naib darogah) is not excessive, the general pay of the responsible head of the office, at its present rate, is by much too small. By the proposed plan, the assistants of the first class will draw 40 rupees a month. Now the pay of the mass of darogahs is only 50 rupees a month; and the average pay of the whole body is only 59-7-9 rupees a month. The distinction of 10 rupees a month between the chief's staff and the chief himself, who is solely responsible in theory for the state of his thannah, and

and who is all in all in practice even more than in theory, appears to me plainly to be quite insufficient.

12. For this reason, and because I agree with the Governor-general in thinking that the proper reward for eminent good service as a darogah is promotion to a higher grade in the department, such as that of deputy-magistrate; instead of allowing 20 special salaries at the enhanced rates of 150 rupees and 200 rupees a month, I strongly recommend that no officer of the class of darogah, being the responsible head of an office, should receive less than 100 rupees a month. That is now the pay of the first class of darogahs; but it is no more than the pay of the lowest class of moonsiffs. The main objects of civil and criminal justice, namely, the protection of honest industry, and the security of life, person, and property, depend more upon the darogah than upon the moonsiff. The temptation, in most parts of Bengal, to which the darogah is exposed, is infinitely greater than that to which the moonsiff is exposed. His duties are much heavier, and, if honestly performed, much more irksome, and much more likely to bring down upon him the vengeance of an influential neighbour, than those of the moonsiff. On no principle do I think it defensible to pay him less than the moonsiff. I shall look upon all the money spent in the contemplated police reform, as to a large extent misspent, if the general position of the darogahs is not raised, as it is proposed to raise the general position of their subordinates. The expense of raising the pay of all darogahs to that of the lower grade of moonsiffs, I believe, would not very greatly exceed two lacs of rupees a year; about the same as the proposed increase of the pay of mohurirs. To this, in my opinion, should be added what is necessary to raise the pay of one-fourth part of the whole body of darogahs to an equality with that of the higher grade of moonsiffs, namely 150 rupees a month.

13. The heaviest item of increase proposed is 4,12,800 rupees for 100 additional deputy-magistrates. I doubt the necessity of going to so large an expense on this account. If the old Indian theory, to me a most unaccountable theory, under which we are prohibited from making use of our lowest class of civil judges for the trial of the smallest and simplest criminal offences, is to be persisted in, so that these deputy-magistrates would be the only petty criminal judges away from the head station in a large district; then I should think, not only that this large item of expense must be incurred, but that to do anything like justice to the people, without harassing them by dragging them to distant courts, in small matters, this item should be doubled or trebled. But even the Lieutenant-Governor does not recommend a continued strict adherence to this remarkable theory. He contemplates the grant of criminal power to certain moonsiffs. He would not, indeed, grant such powers to all, generally; he would make such grant in each instance a special case, as I understand him, regulating himself by reference, not to what the local want of a petty criminal judge may be, but to what the personal character of the judge may be. However imperfect, as a provision for the wants of a district this scheme would be, it may still be taken as an admission on the part of his Honor, that there is nothing in the nature of things in India to prevent a petty civil judge being also a petty criminal judge. For my own part, I cannot conceive a man who is fit for the one duty being unfit for the other. The scheme of the Law Commissioners, whose proposed code is now under the consideration of the legislative council, is to give criminal powers to the moonsiffs universally; and I shall be very much surprised if this part of the scheme of those eminent gentlemen has not the unanimous support of the legislative council. Now, if this is so determined, there will be no necessity, so far as the object of bringing petty criminal justice within a moderate distance of every man's door is concerned, for so large and costly an increase of deputy-magistrates as is proposed. It is, indeed, true that the Law Commissioners intend to give only small powers to moonsiffs; in which they agreed with a zillah scheme propounded by me in a minute which is amongst these papers, dated the 23d November 1854.* To provide for cases more important than the very lowest class, I had proposed to use Sudder ameens, who should have had higher criminal powers than moonsiffs will have. The Law Commissioners propose to abolish the class of Sudder ameens; but it would be a small modification

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cation of their system to give moonsiffs of the first grade higher criminal powers ; and then if such moonsiffs were properly distributed in the interior of zillahs, the object would be attained.

14. If 100 additional deputy-magistrates are not wanted as judges, I do not think that so large an increase can be wanted merely as assistant-superintendents of police.

15. If, however, economy does not drive Government to stint the plan of police reform in some other more essential point, in order to find funds for this heavy item, the police will gain by this accession of strength. I am only anxious not to spend 300 rupees or 400 rupees in a circle of thannahs upon a single officer not absolutely necessary, whilst I foresee great difficulty in obtaining what is absolutely necessary for paying the requisite quantity of real physical force, without which no number of deputy-magistrates can defend the circle from the lattials.

16. On the whole, I recommend the suspension of sanction to this part of the present plan until the Code of Criminal Procedure is passed.

17. *Union of Offices of Magistrate and Collector.*—Upon this question, as I have had opportunities of recording my sentiments in full in previous Minutes,* I should have abstained, and gladly abstained, from writing another word now beyond a simple statement of my respectful adherence, after careful reconsideration, to my original opinion, had not something new occurred since I last wrote on the subject, directly bearing on the question at issue, which, in my judgment, imperatively demands the especial attention of the Government of India. The occurrence, or rather the series of occurrences, to which I allude are, the Report of the Madras Torture Commission ;† the Resolution of the Madras Government thereupon ;‡ and the debate in the House of Lords thereupon.§ The general question, however it may be determined here, will be finally decided at home. In the view I take of it, I should not be doing my duty if I did not, with sincere deference and respect for the better judgments of those who differ from me, submit, for the consideration of those on whom the responsibility of final judgment will rest, the view I take of the bearing of this new matter upon the general question.

18. I do not understand the Honourable Court, in the passage of their recent public Despatch referred to in his Lordship's Minute, to have intended to pronounce a definite judgment on this question. They say that the same objection which exists in the case of native officers does not exist to the combination of magisterial and fiscal powers in the hands of European officers ; and this is undeniably true. The objections in the two cases are somewhat different in their nature, and very different indeed in degree. But, nevertheless, in both cases objections more or less important may exist. If I had understood this passage otherwise, I should have considered the question closed and been silent.

19. In my Minute of the 23d of November 1854, I made a remark, which I will take the liberty to repeat in the margin.|| The inquiry to which I then alluded, resulted in the Report of the Torture Commission above mentioned.

20. There is no longer any question as to the necessity of separating the functions of revenue and those of police and criminal justice, so far as native functionaries

* Dated 23 November 1854 ; and 8 May 1855.

† Dated 16 April 1855.

‡ Dated 17 June 1855.

§ On the 14th of April 1856.

|| "At this moment, in the Madras provinces, an inquiry is on foot into the truth of a charge that has been made formally in Parliament, to the effect, that in those provinces where magisterial and fiscal powers are in the same hands, the Government revenue is systematically raised by the use of torture, inflicted by the native officers vested with these double powers. I trust that the charge, in the main, will be disproved ; but I myself heard, when I was in the south of India, some such stories as would naturally have given rise to the charge. I myself heard, what makes me very glad that the fact is to undergo inquiry. Now no one can deny that, under the Bengal system, no such charge could stand a moment. Every one knows that in Bengal, police, peons, and darogahs, often torture prisoners for police purposes ; but no one for the last 70 years has ever suspected that a rupee of revenue was ever raised in Bengal by the help of torture. This is one of the views in which, I submit, the smoothness and silence with which public affairs go on, when all power, in all departments, is centred in the hands of one train of officials, cannot be regarded as good for the people, however agreeable they may be to the administrator."

functionaries are concerned. This one decisive effect the Torture Report has had upon the European mind universally. So much of the "native system" (at one time lauded beyond measure and without qualification, both in its revenue and its police aspect) has been abandoned by all. The Honourable Court's present Despatch pronounces judgment against it in respect to native officers. That is to say, it is now, by universal consent, pronounced to be insupportable, if its action is intrusted to those who invented it. The Torture Commissioners are in nothing more confident than in this,—that, bad as the system has been as worked under us, it was infinitely worse as worked under native rule. "The native system," then, was an abomination, as is now universally recognised, when worked in the only way its inventors contemplated its working; and, but for the miracle of the country having fallen under the dominion of strangers from a distant Western Island, it must now be admitted that the theory of the propriety of this union of dissimilar functions, as an Indian practical question, would have become hopeless. Therefore, the contention of all the supporters of this union who accept the judgment of the Home Government, as pronounced in this Despatch, must now be narrowed to this position,—that the Mahomedan system, though abominable under the Mahomedans, became, by a wonderful accident, the best possible system for the country they misgoverned, when put into the hands of Englishmen, though confessedly it is a system which is contrary to all English principle and practice, and is disagreeable to the commonplace English mind. And it is further contended, that the fact that Englishmen are in a particular province (Bengal) a numerous and a fast increasing part of the community, forming already one of its most important classes, and promising to become quite its most important class, is no special objection to the adoption of this Mahomedan system in that particular province.

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21. Here is a great step gained. The question is very much narrower and very much simpler than it once was. I do not know if the full extent of the decision, that the united functions cannot be intrusted to native hands, has been seen. Not only must revenue and police powers be disjoined in the case of the peons and the tehsildars, the principle of the reform applies as strongly to the deputy-collectors and the deputy-magistrates, who are mostly natives. Yet the functions of these last-mentioned classes of officers are in quality the same as those of collectors and magistrates. A deputy-magistrate of experience has always the full powers of a magistrate. However this difficulty may be treated, I see not how incongruity of system and invidious and offensive class distinctions are avoidable, if the union in European hands is persisted in.

22. What the effect of their inquiry has been upon the minds of the Torture Commissioners on this point cannot be doubted. In an early part of their Report, in explaining the absence of torture within the collectorate of Madras, they lay stress not upon the mere fact that the revenue and police peons are separate in that collectorate, but that "the native revenue servants and police are perfectly distinct bodies, under separate heads and management,—the former under the collector, having no police power whatever as" [he has] "in the provinces, the latter being entirely under the control of the chief magistrate, who is also superintendent of police;" consequently "the revenue officers here are in fear of the police authorities." Every officer of Indian experience will understand why the fact of the two classes of native officers being under different European heads, causes in the one class a wholesome fear of the other. A European officer is always the last person to hear of the malpractices of his own native subordinates. The people will complain to any one else, but it is hard to induce them to complain to a chief of the conduct of those under that chief's orders. A European will hear plenty of evil of the conduct of native officers over whom he has no control; but he will hear little against those who serve him, or serve under him; and what little he does hear will be probably in the shape of charges which, in the manner and form alleged, are false. It is immaterial to the present question whose fault this is; it is the fact alone which is material to our present purpose, and no one will question the fact.

23. It is hardly necessary to cite proof of a fact so notorious. But the ready manner in which the people came great distances in numbers to make their complaints to the Torture Commissioners, as soon as they heard of the object of the appointment of that body, contrasted with the extreme paucity of complaints on

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the same subject made to the local officers, whose regular and constant duty it is to hear them, is in itself remarkable evidence of the effect which the disconnexion of the officer, who is to hear a complaint, with the department complained against has upon the native mind. "I did not complain," says one witness; "it must be by the collectors' orders that the tehsildars perpetrate such cruelties."* Others say, "I did not complain, as it is not usual for such complaint to be listened to;"† and "I did not complain to the collector—what is the use of a poor man like me complaining?"—and "I did not complain to the gentlemen; for who will hear?" Yet the same people travelled great distances to make, as volunteers, the same complaint to "the gentlemen" the moment they heard of gentlemen open to such complaints, and officially disconnected with the native officers against whose abuses of power they had to complain. The truth is, as the Torture Commissioners have explained to the world, and as every intelligent Indian officer has known since his first assistantship, that it is the banded body of omlah, belonging to the department with which he is concerned, that a native complainant is afraid of; and that all omlah under one head, whatever may be their respective designations, are one band.

24. A remarkable example of the effect of this unnatural union of functions was disclosed only the other day in the Legislative Council, in connexion with a matter which was under my own charge. I had introduced a bill to get rid, in the Bengal Presidency, of the system of the unnecessary impressment of carriage for troops marching. They had formerly had, at Madras, a regulation precisely the same as the Bengal impressment regulation which it was my object to get rid of; but Sir Thomas Munro's Government had repealed it, on the ground that it was the cause of grievous oppression; and that it was unnecessary, because, by proper commissariat management, carriage could be procured for Government in the same way as private parties obtain it, when they want it; that is, by previous arrangement, and by paying the price of what they want. But in the course of discussion, what I knew very well long ago was fairly admitted by Mr. Elliot, the Madras member of the Council; namely, that impressment is practised to this day at Madras, contrary to law, with all the abuses which Sir Thomas Munro had forcibly exposed, exactly as if the whole law authorising the practice had remained in force. The explanation of this is, that Sir Thomas Munro died soon after the repeal of the regulation which he had condemned; that the commissariat arrangements he would have carried out have never been taken in hand by his successors; and that the collector-magistrates, by reason of their double power, are practically above all law. Now, it is only under a system by which the functions of the collector and those of the magistrate are united in the hands of one man, that this habitual and universal breach of law could have continued unchecked for so many years. For it is the collector who breaks the law by seizing carriage; and it is the same gentleman, in his magisterial phase, whose duty it is to release the carriage, to restore it to its owner, and to punish the offence of unlawful seizure. None but the offender has any power of dealing with the offence.

25. The Torture Commissioners' Report gives a cruel case of this very kind; a case which bears truth upon its face.‡ Thousands, strictly speaking, thousands of such cases occur annually in every army division when regiments march. The same report shows how labour is forced; and property, without payment, is taken for revenue works § by collector-magistrates. Whenever such cases occur, the person who offends, or is charged with offending, in one capacity, is the person to whom alone, in another capacity, this union system gravely professes to look for the due inquiry into the fact, and the due infliction of the penalty of the law. How just was Mr. Fullerton's observation, that "the exclusive privilege of receiving criminal charges carries with it a power not less dangerous than that of inflicting punishment, namely, a power to exempt individuals from the penalties of the law." ||

26. I freely admit that, so far as the officer's own acts and omissions are concerned, the evil of the combination in the hands of a high European officer is very

* Report, p. 28.

† Report, pp. 25, 26, 27.

‡ Appendix (F.) No. 30.

§ Appendix (F.) No. 29.

|| Cited in the Torture Report, p. 69.

very much less in degree than when in the hands of a native. But my argument is that the main part of the evil is not in the effect of the combination upon the European officer's own acts, but in its indirect effect upon both the classes of native officers under him, and upon the minds of the natives of his district. Yet even so far as the European officer's own acts and omissions are concerned, I cannot admit that the evil is so small in degree as to be otherwise than material. I wish I could make this admission; but I cannot do so with truth. I cannot rise from a perusal of the Torture Report, without feeling that there has been a degree of blindness, slowness, dulness, and inaction in the Madras collector-magistrates in relation to the practice of realising revenue by torture, which certainly so many active and intelligent gentlemen would not have shown, if the torturers had been private persons, and the object had been something in which those collector-magistrates had no official interest. I say this with sorrow; and I make allowance for the false position in which these officers are placed. But taking the view I do of the fact, I should be unpardonable if I did not do all in my power to relieve them from this false position, and to oppose with all my strength the extension of the system which, in their case, has had such lamentable consequences.

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27. From their resolution upon the report of the Commissioners, we find that the Madras Government are deeply sensible of the importance of this question; they feel the difficulty of making so great a change of system as the sudden separation of the collector's and magistrate's functions would involve; but they state that the subject has been for some time under consideration, and that no half-measures will answer. I think I cannot be wrong in inferring from what is upon record, that the wish of the Madras Government is for the separation. It is, at least, certain that the Madras Government, in spite of the difficulty of a fundamental change of system, are so impressed with the disadvantages of the union of these functions, as to be anxiously considering the propriety of incurring all that difficulty in order to escape these disadvantages. Now, with deference, I must say, that I think it would appear to the public a capricious proceeding for us in Bengal, driven by no necessity, and pressed by no serious inconvenience, to undergo the certain evil of change for the sake of the theoretical advantages which some of us anticipate from a particular union of functions here; whilst the Madras Government at the very same moment, pressed by the experienced ill-consequences of that same union there, and smarting under the discredit which those ill-consequences have brought upon their administration, are anxiously pondering the proposal to undergo the certain evils of change, for the sake of a separation of those same functions. I look upon this as an argument to be maturely considered, even by those who differ from me on the theoretical and abstract merits of the question, before determining to take a step here, which cannot fail to appear like a prejudgment of the question that Lord Harris's Government has at this moment before it.

28. I now come to the third occurrence to which I have above alluded, namely, the debate in the House of Lords on the 14th of April 1856, when certain resolutions were moved, and with some little modification, were carried unanimously, concerning torture in Madras. As some of her Majesty's Ministers took part in that debate, not merely expressing their opinions as individuals, but also, as I understand it, holding out expectations on the part of Her Majesty's Administration in this very matter, I think the Government of India will act prudently if it take no decided action in the matter, without respectful advertence to what passed on that occasion.

29. I have the volume of Hansard, containing that debate, now open before me. I find that the union of the powers of magistrate with those of collector was strongly animadverted upon by several of the speakers, as one of the causes of the prevalence at Madras of torture for the realisation of revenue; and that this union was defended by none. I may fairly rely on the tenour of the speeches of the noble lords who spoke on that occasion, as showing how the highest English feeling regards the question I am discussing; and as an argument to be weighed even by those who take a different view from mine on the abstract question.

30. I believe that I shall not be wrong in quoting here some expressions of Lord Ellenborough's, by way of supporting my argument by the high authority

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of a former Governor-General of India. His Lordship said ;* “ I rejoice that the noble duke (the Duke of Argyll) has stated it to be his opinion, and, as I understand, that of Her Majesty’s Government, that it was absolutely essential to separate the functions of the police from the collection of the revenue. I have always been of opinion that the police and the revenue should be in different hands ; but the noble duke will find, and the Government here will find, more practical difficulty in carrying that separation into effect than they expect, and unless the greatest resolution is shown by the authorities here, you may depend upon it failure will ensue. I say this with the more confidence, because this was the only subject on which I and my council did not agree. I never could get them to adopt the view which I always entertained as to the necessity of separating the police from the revenue department.” I cannot refrain from supporting another point in my argument by the same high authority. His Lordship said, † “ There is nothing more dangerous or improper in the state of India than the connexion between the persons in the police and the persons who were generally understood to have the ear of the collector. It leads to the keeping back of complaints which ought to be made, and to the defeat of justice when complaints are made.” It is obvious that, whilst one man is chief of the police and criminal judge in his capacity of magistrate, and chief of the native revenue servants in his capacity of collector, the greatest possible facility is given to that connexion to which Lord Ellenborough objects.

31. The first of the above extracts from Lord Ellenborough’s speech will show what one of Her Majesty’s Ministers was understood to have said, and to have said on the part of Her Majesty’s Government, on the present question.

32. Now, what I very respectfully submit for consideration, with advertence to this debate, is this : If, notwithstanding the earnest endeavours of Lord Harris’s Government, that separation of offices in Madras which has been held out as in prospect should not be achieved, because of some difficulties which cannot in the case of that presidency be got over, there would be even in this event great disappointment amongst those who interest themselves in Indian affairs at home. I am myself sure that no insurmountable, and, indeed, that no important difficulty in the way of the contemplated separation, will be found to exist at Madras ; and I feel confident that Lord Harris’s Government will propose the separation. If, however, I should be mistaken on this point, as no expectation has been held out of anything beyond a sincere attempt to make, if practicable, an unobjectionable change of system at Madras, which shall include the separation, no feelings beyond disappointment might be aroused. But if, whilst a measure of fundamental change involving this separation of offices is thus pending at Madras, the Government of India, itself divided in opinion as it is upon the abstract merits of the question, goes out of its way to make a fundamental change involving the union of these same offices in Bengal, where they are now separated ; and where they were separated not twenty years ago, in consequence of the strong and unanimous recommendation of a Committee of distinguished and experienced officers, who carefully inquired into the working of the union, and with the concurrence of all practical mofussil men in and out of the service pronounced against it ; then I think feelings beyond those of mere disappointment very likely to be raised.

33. I respectfully ask if the proposed decision of the question in Bengal is intended to operate as prejudging the same question in Madras ? If this be the intention, I ask if the Government of India will not be in an awkward position, should Lord Harris’s Government, as I believe it will, come up to us with a simple and unobjectionable project, based on general principles, for the separation of these offices at Madras, a week after we, on general principles, have united them in Bengal ? In this case we must reject the project on the ground that we have prejudged the question. If this be not the intention, I ask if the Government of India will not be in an awkward position, should Lord Harris’s Government come up in the same manner, driving us, a week after we have united the offices in Bengal, to separate them in Madras ?

34. On

* See p. 989.

† See p. 991.

34. On the one hand, after all that has occurred at Madras and at home, I cannot see how the Government of India could dare to refuse the separation at Madras, if the Madras Government should demand it; on the other hand, I do not see how any such case, or any fair show of such a case of difference of circumstances can be set up, as would justify a simultaneous and contrary action at the two presidencies.

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35. It is quite true, that, under the Bengal revenue system, revenue officers have not so much temptation to extract payment of revenue by unlawful means, as they have under the Madras system. But it is equally true that rent is every day extorted in Bengal by unlawful means; and rent is the mother of revenue. I should think it a very hard task to convince an English politician, that although the fact of ryots being tortured with impunity in order to extract payment from them has proved the necessity of disjoining the functions of police and criminal justice from those of the collector of revenue, where the ryot pays directly to the public treasury, the same fact does not make it undesirable to unite the same functions, where the ryot's money reaches the treasury through a middleman.

36. The natives have been torturing each other for three thousand years, just as they have been poisoning each other for the same period. When we are blamed because of the existence of these criminal habits, we are blamed foolishly and unjustly. We cannot justly be blamed, in a moral point of view, if we use every means in our power to bring these crimes to light, and to punish them, when they occur. And we cannot justly be blamed, in a political point of view, if we take all becoming pains to show the world that we are sincere in our abhorrence of these crimes, and in our endeavours to check them. In my view of the requirements of police and criminal justice* (and I view these matters as the mass views them, having no Indian or other theories to gratify), we do not justly escape blame, either in a moral or in a political point of view, so long as we confound police and criminal justice with the fiscal department of administration, subordinating, at least to all outward appearance, the former to the latter.

37. But if the Bengal revenue system is still thought a material distinction in favour of the union in Bengal, as a specialty, I would ask if Bengal has no specialties to be weighed in the opposite scale, in its thick population, its great general wealth, its high value of land, its large number of native nobility and gentry, each possessing immense wealth and power, its large number of European residents, planters, and traders, its vast internal and external commerce, with all the complicated transactions of its people, arrived at a stage of progress which, if it has not all the moral, has all the immoral qualities of the highest state of civilisation? Beyond all question, the union will be very distasteful to all those important interests, the existence of which in great strength forms the distinctive feature of Bengal.

38. The system whereby various functions, each of which is separate in other well-administered countries, are sometimes united in India, is represented in its most amiable view when it is called patriarchal. It is suitable and convenient as a temporary expedient in a new acquisition; and it is a necessary expedient in a poor and ill-peopled province of great geographical extent. It is a very silent system, and goes on with little trouble to rulers, so long as the remembrance of the ancient misrule lasts, and so long as few Europeans, or others who have been accustomed to a regular government, fall under its operation. It is a great favourite with those whose administration is known to the public only by their own reports of it. But it has its long undiscovered abuses and its sudden explosions; witness the Madras Torture Commission. Without, however, questioning the system, where it is appropriate, I ask if such a country as I have above described Bengal to be, is a fit country for a patriarchal experiment? For this system two parties are required: the sage and paternal ruler of a district and the dutiful family of subjects. Not to speak of the first requisite, I may safely deny that Bengal affords the last. One has only to read a native or English newspaper

* As a criminal judge, a magistrate's power extends to sentences of imprisonment with hard labour for three years.

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newspaper with a mofussil circulation, to see that those for whom such mental food is provided have no filial regard for Government officers. They are past the patriarchial epoch. What they ask for are good laws, well administered by as many functionaries as the country can fairly claim with reference to its general circumstances, and the taxes it pays. These classes want nothing from Government more paternal than this; less than this they will not accept, and all this they have a right to have. My mature conviction is, that they never can have this, unless incongruous functions are kept in separate hands, and every functionary is required to mind his own proper business.

39. On this whole question my strong opinion is that the Government of India ought not to pronounce in favour of the proposed union, until the same question comes up from Madras, and that even then it ought to take no step towards effecting such a union without a previous reference on the whole subject to the Honourable Court.

40. I have now recorded all I have to say on the general question; and I much regret that I have been unable to deal with the subject more briefly. As a point of mere detail, I have to call attention to the circumstance that there will not be money enough available to afford the collector-magistrate a subordinate officer as joint magistrate, as is proposed. A Bengal collector draws 23,000 rupees a year, and a Bengal magistrate draws 10,800 rupees a year, making together 33,800 rupees a year. From this aggregate sum deducting 27,000 rupees a year, the proposed salary of the collector-magistrate, there remains only 6,800 rupees, which would be inadequate for such an officer as is contemplated in the capacity of joint magistrate. These officers in the North-western Provinces draw 12,000 rupees a year. Nor can any general reductions of salary that may be made in consequence of Mr. Rickett's Commission be drawn upon for the difference; because such reductions would take full effect if things remained as they are; and a re-arrangement of things, which would prevent their having full effect, would be equivalent to an increase of expenditure. The plan I have ventured to propose in a former Minute, whereby the salaries of magistrates and collectors in Bengal would be equalised, and the number of the former reduced, has this advantage of detail, that it would be a saving of expense, independent of any general reduction that may result from Mr. Rickett's Commission.

41. Another point of detail to which I may call attention is, that, by the plan now proposed, all the joint magistrates who are to have the immediate control of the police (a duty requiring experience as much at least as the other duties of a magistrate) will be as young as the magistrates now are; for I suppose that the plan contemplates having joint magistrates wherever there is now a magistrate or an independent joint magistrate and deputy collector. The ground on which the Honourable the Lieutenant-Governor presses the union is the expediency of remedying the present evil of having very young men acting as magistrates. This is an abnormal state of things, arising partly from an unusual run of rapid promotion lately, but chiefly from the omission of the home authorities for many years past to supply more young men than formerly at the bottom of the service, in proportion to the increased number of higher offices which late accessions of territory have rendered necessary. These two causes are now both at an end, and in a few years the evil would be remedied in the natural course of things. In the meantime, however, it must be admitted to exist to an inconvenient degree. The plan now proposed will not remedy it, so far as the immediate control of the district police is concerned. The plan I ventured to propose before, as it would have reduced the number of magistrates to an equality with the number of zillah courts, would have had the advantage of increasing the experience of the youngest officer in immediate charge of the district police by three years or so, whilst it would have considerably more than doubled the average experience of magistrates; and it would have made the standing of the oldest magistrate exactly what it will be under the system of collector-magistrates now proposed.

42. *Union of the Functions of Superintendent of Police with those of a Criminal Judge.*—This, as a question of criminal procedure, is so peculiarly a subject for discussion in this Council in its larger form, when reinforced by the learning and local experience of its legislative members, that it is not necessary for me

me to discuss it here. It will come up for discussion, in connexion with the new codes; I will, therefore, here indicate my views upon it very shortly. The one point for decision, as it appears to me, on which alone the whole question turns, is this, in which way is crime more certainly discovered, proved, and punished, and innocence more certainly protected: when two men are occupied, each as thief-catcher, prosecutor, and judge, or when one of them is occupied as thief-catcher and prosecutor, and the other as judge? I have no doubt that the principle of the division of labour has all its general advantages, and an immense preponderance of special and peculiar advantages, when applied to this particular case; and I have no doubt that if there is any real difference between India and Europe, in relation to this question, the difference is all in favour of relieving the judge in India from all connexion with the detective officer and prosecutor. The judicial crmine is, in my judgment, out of place in the by-ways of the detective policeman, in any country, and those by-ways in India are unusually dirty.

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43. Indeed, so strongly does this feeling operate, perhaps unconsciously, upon the English minds of the honourable body of men from whom our magistrates are chosen, that in practice the real evil of the combination is, not that a judge, whose mind has been put out of balance by his antecedents in relation to the prisoner, tries that prisoner, but that the superintendent of police, whose nerve and honesty are indispensable to the keeping of the native police officers in order, abandons all real concern with the detection of crime and the prosecution of criminals, in the mass of cases, and leaves this important and delicate duty almost wholly, in fact, to the native darogahs. He does this instinctively, because he knows that he will have to sit on these cases as judge, and he feels that he cannot, with satisfaction to his own conscience, or even with outward decency, take an active share in both of his mutually repugnant duties.

44. If the combination theory were acted upon in reality,—if an officer, after bribing spies, endeavouring to corrupt accomplices, laying himself out to hear what every tell-tale has to say, and putting his wit to the utmost stretch, for weeks perhaps, in order to beat his adversary in the game of detection, were then to sit down gravely as a judge, and were to profess to try dispassionately, upon the evidence given in court, the question of whether he or his adversary had won the game, I am well convinced that one or two cases of this sort would excite so much indignation as would save me the necessity of all argument *a priori* against the combination theory. The real question is, not whether respectable European superintendents of detective police shall also be high criminal judges, with powers to try all but the most heinous cases, but whether you will have any respectable European superintendent at all effectively at the head of your detective police. The consequences of there being now no real check of a European superior over the darogah in the detection of crime, and in the getting up of cases, are deplorable. The Lieutenant-Governor of Bengal appears to me to be less than just to our higher criminal courts, in the blame he casts upon them. There seems to me to be something inconsistent, after the stress laid on the youth of the magistrates, and the necessity of a change of system in order to substitute more experienced men, in supposing, when these youths and very much more experienced men differ, the youths to be generally in the right. It is the duty of judges to acquit all prisoners whose guilt is not proved, and this duty they perform without fear of man. That justice labours under heavy disadvantage, in a country where in many cases no quantity of mere swearing will in itself carry conviction to a sensible mind, is manifest. If, after making due allowance for this disadvantage, it is found still that crime too frequently escapes punishment, surely the remedy is not to complain of cool and disinterested men, who, upon their judicial oaths, acquit whenever they find no proof of guilt, but to apply ourselves to the root of the evil by doing what we can to stimulate the active pursuit of offenders, and to check false prosecutions, and, what is perhaps equally common, the getting up of false evidence against real criminals.

45. The Lieutenant-Governor's objections to this division of business, after the best attention I can give them, seem to me to be founded on imaginary evils. His Honor anticipates such extreme antagonism between the native police officer and the native judge as would be materially inconvenient. Under a

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moderately sensible European magistrate, controlled by an intelligent commissioner, who would not talk or act as if police peons and darogahs were infallible, and dispassionate judges were never right, I cannot see why there should be any such consequences. At any rate, if this be a valid objection, it is an objection to giving criminal powers to any moonsiff; but this deduction is inconsistent with the views of the Lieutenant-Governor himself, who would not refuse all moonsiffs criminal powers.

46. *Appointment of Public Prosecutors.*—This is a point not noticed in the papers before us, but it is intimately connected with the last question. Sir Arthur Buller mooted this subject the other day in one of our legislative sittings, when the code of criminal procedure was under discussion, and I believe his suggestion has met with general approval. I am myself convinced that the appointment of European officers to manage the prosecution of important criminal cases is indispensable to the success of any reform in our criminal procedure. The whole scheme of the penal code of the Indian Law Commissioners rests, avowedly, on the assumption that there will be a public prosecutor. I do not believe that code to be workable otherwise. The plan which I have before proposed provided for this duty, without additional expense to the State, by entrusting it to the magistrate, and his deputies and assistants. Under the plan now proposed, as well as under the existing system, either this great want must be left unsupplied, or a considerable additional expense must be incurred to provide for it. And even if the money is no obstacle, I do not know where the men are to be found.

47. *Vesting private Gentlemen with the powers of a Magistrate's Assistant.*—For the purpose of receiving complaints, or issuing warrants, or sending up prisoners to a criminal court, the powers of our darogahs are sufficient. The Ceylon system, simply, would be therefore inapplicable in Bengal. As petty criminal judges, these special assistants would have effectual powers, similar to, but less than those of a moonsiff under the new code. I see no objection to the proposed experiment.

48. *Conclusion.*—In conclusion, and by way of a summary of my recommendations, I will observe that the improvement of the quality and the large increase of the strength of our district policemen; also the augmentation of the pay of our district police officers of all grades; appear to me indispensable reforms, which it concerns the character of the British Government to introduce in Bengal forthwith. As these reforms would interfere with no ulterior arrangements that may be introduced, and as we know the general feeling of the Honourable Court to be in favour of very material reforms, all in this direction, as being, in the present state of the country, indispensable though costly measures; I should have gladly joined in a large measure of immediate progress, in secure anticipation of the approval of the Home Government. As it is, I respectfully concur in the proposed recommendation on these points to the Honourable Court. All the questions relating to judicial procedure discussed in the papers before us, must be considered of course in the Legislative Council, in connexion with the new codes prepared by the Law Commissioners in England. As to the question of creating collector-magistrates, which also is not wholly unconnected with the general question of criminal procedure, I am myself against the union, on general principles; and irrespectively of all opinions on the question generally, I think that no decisive step should be taken in relation to it, until we have before us the decision of the Madras Government on the same subject-matter; and even then that the union should not be carried into effect without the special instructions of the Home Government. I adhere to my original project of zillah administration, which, though it has yet found no favour, and is, I doubt, very open to improvement, I cannot help regarding as a project which promises to avoid all the experienced evils of our present system, without any unnecessary organic changes. By way of summary, I note here the zillah establishment as it would be under that project:—

Covenanted—European.

A zillah judge, with civil and criminal powers as at present.

A collector, having no functions other than those in the revenue department as at present, but on a reduced average salary.

A magistrate, having, as at present, no functions in the revenue department,

ment, and having no judicial powers, but being chief of the police of the zillah, public prosecutor in heinous cases, and superintendent of the prosecution of all criminal cases in the zillah, on an average salary raised to the reduced amount to be fixed for the collector.

Covenanted assistants very much as at present. They should be available for assisting in all departments, as required, viz., in the revenue, civil, criminal, and police departments, and, as a rule, in the course of their training, should pass through all four.

Uncovenanted—Natives chiefly.

Deputy-collectors, with no powers of a deputy-magistrate.

Deputy-magistrates, with no revenue or judicial powers, to be located in the district away from the head station, each having one or more circles of thannahs under him.

Principal Sudder ameens, with both civil and criminal judicial powers, as proposed by the Law Commissioners. Where there is more than one in a zillah, one only to be located at the head station.

Moonsiffs of the first grade, with civil and criminal powers, as proposed by the Law Commissioners, the latter higher than those of a moonsiff of the second grade, to be distributed over the zillah equally, their higher criminal powers extending over their whole circle. Four thannahs, or so, under a moonsiff of the first grade, will form a circle.

Moonsiffs of the second grade, with civil and criminal powers, as proposed by the Law Commissioners, to be stationed throughout the zillah as at present; three moonsiffs, or so, of the first grade, and one of the second grade forming a circle.

Darogahs, as at present, one in each thannah.

Naib darogahs, of whom all but one to be located in charge of subordinate thannahs or pharees.

Jemadars, detective policemen, and native constables under the darogah.

Detachments of police corps under the deputy magistrates and darogahs, of whom at least one not inconsiderable body to be posted in each circle of thannahs.

(signed) *J. P. Grant.*

9 April 1857.

(Copy.)

MINUTE by the Honourable *J. P. Grant.*

27 Nov. 1854.

Punjab Report for 1851-52 and 1852-53.

Dated 27 November 1854.

I CORDIALLY agree with all that has been recorded by the Governor-General, in acknowledgment of the services of those officers under whose immediate administration the wonderful results of the first lustrum of our government of the Punjab have been achieved. Of the merits of Mr. John Lawrence, the Chief Commissioner, in connexion with these results, it would be very difficult to speak in terms of exaggeration. At the same time it will not, I think, escape the notice of the public (I am sure it will not escape the notice of the Honourable Court), that all these services could have been of little avail, but for the well-considered and prudent liberality with which the scheme of Punjab administration was originally devised, and has ever since been supported by the Governor-General.

The Punjab has been fortunate in the selection of its workmen; but its peculiar good fortune has consisted in this, that its workmen have not been required to make bricks without straw.

For 19 districts of moderate size, containing a population of something upwards of 10,000,000, 7 police battalions of foot, and 27 troops of mounted police, have been provided, at a cost of about 16½ lacs of rupees a year. Altogether, for the civil duties of this territory, 8½ battalions and 38 troops, consisting

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consisting of 12,000 men in organised bodies, are set apart. Besides these, for the same territory, there are about 10,000 men called detective policemen, maintained at a cost of about 8½ lacs of rupees a year, and all this is besides the old village chowkeydars, or watchmen of the country. Knowing this, I was prepared to hear that the extinction of dacoity, and of all crimes of organised violence, in the central districts of the Punjab, may be pronounced complete.

It is only by comparison that the strength of this police force can be tested. For about 30 very large districts in the Lower Provinces of the Bengal Presidency, containing a population usually estimated at 40,000,000, the number of policemen provided is little more than 8,000, at a cost of 4½ lacs of rupees a year.* To these must be added, in order to show the whole physical strength provided “for the civil duties” of the Lower Provinces, a few hundred men, forming an organised body called the Behar Station Guard (which is a body corresponding with the Punjab police battalions), and probably the several jail and treasury guards who, I suspect, are not included in the return from which I have taken the number, of police burkundauzes in Bengal. Also, allowance must be made for from 3,000 to 4,000 men employed in the Punjab on frontier duty; military, rather than civil. But, all allowances made, the disproportion is enormous.

The leading journal of the world, in a laudatory notice of the first Punjab Report, asked why the rest of India was not equally well governed. That question touches us all. I have never been immediately connected with the government of any other part of India than Bengal; but with the Government of Bengal I have been, as secretary, closely connected. As far as Bengal is concerned, I think I have in the above figures sufficiently indicated what the true answer to that question is. And as the Government of India and the Home Government hold the purse-strings, if comparisons unfavourable to Bengal must in candour be made, when reading of the astonishing success of the youthful Government of the Punjab (and I, for one, confess that I cannot in candour avoid making such comparisons), I think I have in the above figures sufficiently proved that it would be very unjust to infer, from such comparisons, any comparative inefficiency in the Bengal workment, from its Government downwards, or any comparative inferiority in the law of Bengal, or in the theory or form of its administration.

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(signed) J. P. Grant.

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MINUTE by the Honourable B. Peacock.

Bengal Police, &c.

Dated 30 April 1857.

I concur entirely with the Right Honourable the Governor-General as to the first proposal made by his Lordship, viz.: “that the police of Bengal be reorganised at once, without waiting for a plan applicable to the whole of India;” also as to the third proposal relative to the organisation of police. I do not think that any great benefit is likely to arise from increasing the pay of the present mohurirs from an average of less than eight rupees a month to an average

	Number.	Cost.		
		Rs.	a.	p.
* Jummadars - - - -	670	62,633	8	-
Burkundauzes - - - -	7,601	3,62,850	-	-
TOTAL - - - -	8,271	4,25,183	8	-

average of upwards of 33 rupees a month. I believe that, as a class, they are wholly unfit for the duties intrusted to them, and that no increase of salary will ever qualify them for the discharge of those duties. I think that they should be altogether superseded by a new class of officers, to be styled naib darogahs, at the rates of salary proposed by the Lieutenant-Governor for the mohurirs. The naib darogahs should be chosen from young men of education, who, if the offices of darogah and of deputy magistrate be open to them, will probably be induced to accept employment as naib darogahs, in which they may be trained for the higher offices above mentioned. This seems to be, at least, one great object of the proposed increase of expenditure.*

If any of the present mohurirs are qualified for the duties, they may be selected for the employment of naib darogahs.

I concur in thinking that the salaries of the jemadars and burkundauzes should be increased as proposed; but I think that no police-officer under the rank of a naib darogah should be allowed to exercise the powers of a darogah, or to hold investigations, except in a case of emergency, in which they may be specially appointed for the duty. At present a jemadar is considered as the third officer at a thannah, and, in the absence of the darogah and mohurir, is authorised by law, without any special appointment, to exercise all the powers vested in a darogah. (Regulation XX. of 1817, Section 4, Clause 3). His Honor the Lieutenant-Governor considers that the darogahs and mohurirs are amply sufficient for all investigations of a serious character, and that, as regards cases of secondary importance, jemadars selected from burkundauzes, and receiving from 10 to 20 rupees per month, may safely be trusted to conduct the necessary inquiries. (Letter, 30 April 1855, No. 774, para. 31.) If the deputy magistrates proposed be appointed, I hope that it may be found unnecessary to authorise the jemadars to act as darogahs, or to make investigations, in any case; for I believe that great corruption and oppression are the consequences of the powers now vested in the lower classes of the police.

I doubt whether any salary less than 5 rupees a month will be sufficient for the burkundauzes. His Honor the Lieutenant-Governor proposes—

$\frac{1}{4}$ at 6 rupees a month.

$\frac{1}{4}$ at 5 " "

$\frac{1}{2}$ at 4 " "

I think that they, or at least such of them as are intended to act as preventive policemen, should be selected from men who can be relied on for courage and energy when opposed to such classes as the lattials. I agree with the Lieutenant-Governor in thinking that the burkundauzes should have promotion to look forward to as a reward for good conduct, and that they should be eligible for employment as jemadars.—Letter as above, No. 774, paras. 29 to 35.

I concur as to the 5th and 6th proposals of the Governor-General.

If the proposed number of deputy magistrates be sanctioned, there will be 200, which, after deducting from the whole number of thannahs those in the Sontal districts and in large cities, will give nearly one deputy magistrate to every two thannahs, or at least one to every two of the most important thannahs.

It appears to me, however, that the deputy magistrates, or, I would rather call them, deputy superintendents of police, should not exercise any judicial powers, as proposed by the Governor-General.† I think it should be their duty to superintend the police within their districts, and the investigation of all cases of crime committed therein, and, with the assistance of the darogahs and naib darogahs, to collect evidence, to take the depositions of witnesses, and to bind them over to give evidence; also to see that every case of crime committed within their districts is taken before the proper court for trial, with the necessary witnesses and evidence to establish the charge. They should communicate with the deputy magistrates of the adjoining districts, with a view to the apprehension of criminals, and with the superintendent of police of the zillah in which their own districts are situate; and the darogahs and naib darogahs should be bound to communicate to them every case of heinous crime committed within their respective thannahs, and should report to them whenever they have occasion to

leave

* See Letter from Secretary to Government of Bengal, 30th April 1855, No. 774.

† See Proposal, No. 9.

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leave the thannah for the purpose of making investigation. These, and other duties connected with the prevention and detection of crime will require them to be constantly moving about their districts. The Lieutenant-Governor remarks—“I think that the proper size of a deputy magistrate’s jurisdiction has not been unreasonably stated by an intelligent and experienced native friend, whom I consulted on the subject, as so much as the magistrate could go to one end of in his morning ride, and the other end in his evening ride.”* This would probably comprise two or at most three thannahs. This is evidently impossible, when it is considered that the size of a thannah, according to regulation, is 10 coss square, which, if the district of a deputy magistrate comprised only two thannahs, would involve the necessity of a morning ride of 40 miles from his head-quarters to one end of his jurisdiction and back, and another ride of the same extent in the evening; but it shows that he should be constantly moving about his district.† If his own head-quarters and the two thannah stations subject to his jurisdiction were most favourably situate, he could not even visit each darogah’s station every alternate day, without travelling at least 20 miles a day. To exercise judicial duties, a deputy magistrate ought to be stationary, or at least he should have fixed times for holding his court at particular places; otherwise, when a prisoner is sent up to him for trial, together with the witnesses, from a considerable distance, it may be found that, in the discharge of his police duties, he is at quite a different part of his station. Independently, therefore, of the objections so powerfully urged by our honourable colleague, Mr. Grant, against the union of judicial and police functions, I think it is impossible for the same officer to exercise any active superintendence over the police of his district, if he be expected to exercise judicial powers.

I therefore think that it will be better to have all judicial powers to be exercised by the Sessions Court, the magistrate, and the subordinate criminal courts, as proposed by the Law Commissioners.

The deputy magistrates, however, should be authorised to take the depositions of witnesses, and to submit their proceedings to the magistrate in all cases beyond the competency of the subordinate criminal courts; and in such cases the magistrate should be authorised to order the offender to be sent up for trial before himself; or, if the case be beyond his competency, to commit it for trial before the Sessions. This would greatly relieve witnesses in cases triable only by the magistrate and Sessions Courts—an object which it is most desirable to attain.

I have already written a minute upon the subject of the union of the offices of collector and magistrate. I still retain the opinion which I then expressed, that the two offices should not be reunited, if the magistrate is to continue to have any superintendence over the police of the district.‡

If the magistrate be relieved from all police duties, I do not think that the union of the offices of collector and magistrate will be so objectionable. I feel very great doubt, however, whether the collector will have time properly to attend to the judicial duties of magistrate if the new Sale Law be passed.

But whether the offices of collector and magistrate be held by the same person or not, it appears to me that the management and superintendence of the police in each zillah should be entrusted to a European officer, who should have no judicial or other duties, and should be required to be frequently moving about in his district.

This leads me to consider the second proposal of the Governor-General, viz., that the police be superintended, as at present, by the Commissioners of Divisions acting under the general control of Government.

I think it is very important that the police, in addition to the European superintendent in each zillah, should be subject to Commissioners of Divisions; but, as far as the police are concerned, I think it would be better that the divisions should be larger than those now entrusted to the Commissioners of Revenue. One superintendent of police for the whole of the Lower Provinces has been found insufficient; but I think that two Commissioners of Police, or three at most, would be fully able to discharge all the duties belonging to his office. I doubt very much whether it is necessary to continue the Commissioners of

* Minute on Police and Criminal Jurisdiction, para. 47.

† See Minute, dated 15th May 1856.

‡ 22 of 1793, section 4.

of Revenue in the Lower Provinces of Bengal, with the exception of the Commissioner of Cuttack. Those commissioners were appointed under regulation I, of 1829, the preamble of which points out the defects which it was intended to correct.* Since that time many of the duties which those commissioners were intended to discharge have been transferred to other functionaries; † the North-western Provinces have been placed under a Lieutenant-Governor, and a Sudder Board of Revenue for those provinces has been appointed, and the duties of the Commissioners of Revenues, in respect of the determination of questions relative to the assessment of lands, so far as the permanently-settled districts are concerned, are absolutely nothing.

I think it is, therefore, well worth consideration, whether, of the eight Commissioners of Revenue in the Lower Provinces, seven might not be abolished, leaving the Commissioner of Cuttack alone, and substituting two or three divisional commissioners of police.

If this can be done, there will be a saving of four commissioners at 36,000 rupees a year each, and of their establishments, amounting, I believe, on an average, to 910 rupees a month, or 10,920 rupees a year for each commissioner; and possibly for the two or three commissioners of police a less salary than 36,000 a year, and less expensive establishment might be considered sufficient.

This saving ‡ would go a great way towards paying the zillah superintendents of police at the same rate of salary as is now paid to the magistrates.

I concur in thinking that the moonsiffs should be vested generally with criminal powers; and I am inclined to think that they may be trusted with the powers proposed by the Law Commissioners to be vested in subordinate criminal courts of the 2d class, viz., imprisonment for a term not exceeding three months, and fine not exceeding 200 rupees; but it appears to me that it will not be safe at present to entrust the native judges, or the subordinate criminal courts, with power of awarding punishment to the extent above mentioned upon summary conviction without appeal. That would be giving them greater power than is now vested in justices of the peace in England.§

If the regular courts of justice be authorised to try criminal cases to the extent proposed by the Law Commissioners, I think it will be scarcely necessary to invest unofficial residents of the interior with criminal jurisdiction; and if the proposed number of deputy-magistrates be appointed, I do not think that it will be necessary or advisable to invest such residents even with power of committing offenders for trial.

Upon this point, however, I would rather not express any positive opinion, until after the code of criminal procedure has been passed, and the official establishments for the administration of criminal justice and police have been finally determined upon.

30 April 1857.

(signed) B. Peacock.

— No. 20. —

LETTER from the Secretary to the Government of *Bengal* to the Secretary to the Government of *India*, Home Department.

Judicial.—No. 774.

Sir,

Dated Fort William, 30 April 1855.

I AM directed by the Lieutenant-Governor to submit, for the consideration of the Supreme Government, the following propositions for the improvement of the mofussil police in these provinces.

2. Two

* Such as the principal duty of holding sessions of jail delivery, which has been transferred to the sessions judge.

† In 3d part of the recital of Regulation I. of 1829.

‡ 1,87,680 rupees a year.

§ In expressing this opinion, I wish to guard myself against its being understood to extend to trials before the Superior Courts and a jury.

No. 19.
Minute by the
Hon. B. Peacock.
30 April 1857.

No. 20.
Letter from the
Secretary to the
Government of
Bengal to the
Secretary to the
Government of
India.
30 April 1855.

No. 20.
Letter from the
Secretary to the
Government of
Bengal, to the
Secretary to the
Government of
India.
30 April 1855.

2. Two considerable defects in the police of Bengal are—
First. The unsatisfactory footing on which the village watchmen are now maintained ; and
Second. The deficient number, and inadequate pay, of the regular police.
3. With regard to the village watch, local investigations have been in progress during the past cold weather, the results of which will be communicated hereafter to the Supreme Government.
4. With regard to the regular police, I am now desired to submit the following statements and suggestions :—
5. Up to the year 1843, the police darogahs throughout the Lower Provinces received salaries varying from 100 rupees to 25 rupees a month. Out of 508 officers of this class, 490 drew salaries of 30 rupees a month and under, and of these no less than 375 received only 25 rupees a month.
6. In 1843 the Deputy-Governor of Bengal, Mr. W. W. Bird, proposed to the Government of India to raise the salaries of the darogahs in the following manner, namely, 25 to receive 100 rupees a month each, 50 to receive 75 rupees, 100 to receive 50 rupees, and the remaining 333 to receive 25 rupees. This proposal was calculated to involve an additional annual cost of 74,371 rupees, and thus, it was observed, “ a commencement would be made, at comparatively little expense, to supply those incentives to good conduct in the police, without which any improvement in the existing system has been found to be utterly unattainable.”
7. The scheme was sanctioned by the Government of India, and its immediate introduction authorised. It was at the same time observed that while the President in Council “ admits * the inadequacy of the existing rate of pay of darogahs, and the necessity for removing as much as possible so evident a cause of corruption amongst this class of police officers, by rendering their remuneration equal to their decent support, and by opening to them the reward of good service in advancement or promotion, he is very desirous that the principle of the arrangement should be carried still further, not only in respect to darogahs, but to other classes of police officers, and the Government will be prepared to approve the extension of the measure, if, in due time, it is found that the arrangement now sanctioned has tended to raise the character and insure the usefulness of those whom it is intended to affect.”
8. The Honourable Court fully approved of the principle of increasing the pay of the police darogahs, and desired that it might be at once carried out to the full extent previously recommended by the Police Committee in their report of 1838, viz., that there should be fifty darogahs on 100 rupees, one hundred on 75 rupees, and the whole of the remainder on 50 rupees each.
9. This extended measure, providing for 527 darogahs, as shown in the margin,† was accordingly carried out at an increased annual expense of 2,13,871-9-0 rupees, and the establishment, as then revised, has been in force ever since.
10. As regards the “ other classes of police officers,” referred to in the Despatch of the Supreme Government of 1843, no steps have, up to this time, been taken to improve their position. Of such officers the most important are those termed respectively mohurirs and jemadars, one or more of whom is attached to each thannah,

* Mr. Secy. Davidson's letter of the 31st May 1843.

	On 100.	On 75.	On 50.	Total.
† Regulation Provinces -	44	88	337	469
Arracan - - - -	1	2	10	13
Assam - - - -	3	6	15	24
South-western Frontier -	2	4	12	18
Cachar - - - -	0	0	3	3
	50	100	377	527

thannah, in addition to the darogah. The pay of the mohurir is rarely more than eight rupees a month, and often less; and that of the jemadar is about the same, though sometimes as low as four rupees. These officers are employed to assist the darogah, and are vested by law with the same powers as that officer, exercising them either in the darogah's absence from the thannah, or when deputed by the darogah on special duty, or when placed by the magistrate in charge of an independent jurisdiction.

11. It cannot fail to be perceived, that if a salary of 25 rupees was insufficient to secure the services of respectable and honest men as darogahs, a salary of 8 rupees a month (which is somewhat above the average) must be still more insufficient to secure the services of honest men as mohurirs and jemadars.

12. The position of these officers was brought specially to the notice of Government in 1853, in connexion with a very striking case, in which three persons who had been sentenced for dacoity by the Sudder Court, in 1851, to twelve years' imprisonment, were subsequently proved to be altogether innocent of the charge. When the innocence of the convicted men was brought to the notice of Government, the case was referred to the Sudder Court for report, and the following is an extract from Mr. J. R. Colvin's minute, from which it will be seen that the cruel injustice which was inflicted upon these innocent men, and from the full measure of which they were saved only by the merest accident, was believed to be mainly owing to the misconduct of the jemadar employed to conduct the inquiry.

13. "The best security," Mr. Colvin observed, "we can have for the correct and safe administration of justice, is in the doing all that gives reasonable hope of success towards employing an honest police for the instituting of inquiries, and collecting evidence in regard to crimes committed. It cannot be too often, or too earnestly impressed upon the Government, that it is not only the pay of the darogah of a thannah that should be made sufficient for respectability. The mohurirs and jemadars, who are and must be daily employed (as in this case) with independent powers, are excessively underpaid; Mr. Wauchope notices that the investigation in the present instance was held by a jemadar receiving six rupees per mensem. It cannot be matter of surprise that parties so paid, and exercising such great authority, under very little practical check, should be found to be open to temptation, and to lend themselves, as there is every ground to fear has been done here, to the gratification of private malice."

14. The above extract was forwarded by order of the most Noble the Governor of Bengal to the late superintendent of police, with a view to his reporting as to what measures he would recommend, so that the investigation of all heinous crimes might invariably be conducted by an officer of the rank and pay of a darogah.

15. Mr. Dampier's answer was briefly as follows, and the correctness of it cannot be impugned:—"I know of no method," he said, "which can be devised, by which the investigation of heinous crimes may not, under any circumstances, be entrusted to an officer below the rank and pay of a darogah, excepting by a very great addition to the number of those officers."

16. Mr. Dampier, it is to be observed, has on other occasions expressed his opinion as to the necessity of raising the pay of the mohurirs and jemadars, both as a measure of policy and of justice. Appended to this letter will be found extracts from his reports on this subject. Mr. Mills likewise, than whom there is no one whose opinion on the subject is entitled to greater consideration and respect, has thus referred to the matter in one of his circuit reports: "The whole police system needs a change; but to remodel it effectually, a considerable outlay and increase of expenditure must first be assented to by Government, and, until that be done, it is useless to occupy space with a description of the reforms which should be introduced. In the present system there is one great and striking anomaly. The pay of a darogah ranges from 100 rupees to 50 rupees, and that of a mohurir, who holds almost as many local investigations into crimes as the darogah does, and performs other equally responsible duties, is only eight rupees

No. 20.
Letter from the
Secretary to the
Government of
Bengal to the
Secretary to the
Government of
India.

30 April 1855.

No. 20:
Letter from the
Secretary to the
Government of
Bengal to the
Secretary to the
Government of
India.

30 April 1855.

per month. I think that the police mohurir's pay should be raised at once to 20 rupees, and the jemadar's to 12."

17. In addition to what is urged above, the Lieutenant-Governor desires me to observe, that another consideration has arisen of late years, to which almost every officer who has been connected with the police administration has called the attention of Government.

18. The expediency of selecting an increased number of our native officials from among persons educated in English schools and colleges is now recognised, and, to a certain extent, acted on.

19. As regards the police department, Mr. Dampier issued a circular in May and June 1850, calling upon the magistrates of Bengal Proper to encourage men of education to come forward as candidates for police employ, and to address the heads of the different colleges and schools for the purpose of obtaining the names of candidates. In the course of last year a return was called for of the results of the above circular, and the replies of several commissioners on the subject have been received.

20. These officers are unanimous in opinion as to the result of the attempt, viz., that although the magistrates would be very glad uniformly to employ educated natives as darogahs, from the greatly increased degree of confidence which they would have in their integrity, as compared with the old class of darogahs, and, eventually, also in their ability and competence, as soon as they should have gained sufficient experience; yet that it is impossible, except in very rare and special cases, to appoint men to darogahships who have had no previous training at all in police duties, in the lower and less responsible grades, and that they cannot find educated men who are willing to accept the appointments of mohurir or jemadar, even with a specific promise of early promotion to darogahships, so long as the pay of those appointments is what it is at present.

21. It certainly seems to the Lieutenant-Governor that it is impossible to expect that young men who have passed several years in acquiring, frequently at considerable expense, the high class education given at our English schools and colleges, should accept the position of mohurirs and jemadars, as these appointments are paid at present, not only because the allowance is inadequate to provide them with the merest necessities, but because those appointments will not be held in respect by their countrymen, whatever the character of the incumbents, so long as the low pay must perpetually give rise to the suspicion of its being eked out by dishonesty and corruption.

22. The other alternative, that of appointing educated men at once to the post of darogah, has, it appears from the Commissioners' Report on this subject, been frequently tried, but even under the ablest magistrates has been found not to answer, except in very rare cases of remarkable ability.

23. The majority of the commissioners have recommended that a salary of 30 rupees a month should be paid to the thannah mohurir, a somewhat lower rate being paid to the jemadars.

24. With a view to determine the lowest rate of pay which it is proper to assign to the class whose services it is desired to obtain for these important duties, an estimate is annexed in the margin,* of the actual expenses which it is believed that

* Food for himself and two servants at the very lowest scale	-	-	10	-	-(a)
A cook	-	-	3	-	-
A man to fetch the bazar, look after his clothes, &c.	-	-	2	-	-
Clothes, &c.	-	-	2	-	-
Washing, barber, pans, &c.	-	-	1	12	-
Rent (average) of lodgings	-	-	1	4	-
Travelling expenses in moving about the interior of his thannah jurisdiction (for which he receives no allowance)	-	-	5	-	-
Total	-	-	25	-	-

(a) This is based on an actual estimate of the cost of the several items of expense on this head incurred by natives of the class referred to.

No. 20.
Letter from the
Secretary to the
Government of
Bengal to the
Secretary to the
Government of
India.

30 April 1855.

29. The

Regulation Provinces.				Non-Regulation Provinces.			
1 at 20	-	-	20	10 at 20	-	-	200
6 at 18	-	-	108	1 at 16	-	-	16
1 at 16	-	-	16	7 at 15	-	-	105
6 at 15	-	-	90	19 at 12	-	-	228
3 at 12-5-4	-	-	37	29 at 10	-	-	290
2 at 12	-	-	24	5 at 8	-	-	40
16 at 10	-	-	160	8 at 7	-	-	56
2 at 8-5-9	-	-	16	21 at 6	-	-	126
193 at 8	-	-	1,544	5 at 5	-	-	25
20 at 7-8-0	-	-	150				
2 at 7-5-0	-	-	14	105			1,086
267 at 7	-	-	1,869				
2 at 6	-	-	12	627 persons monthly	-	-	5,152
1 at 5	-	-	5				5 6
							12
			4,066	Annual Rupees	-	-	61,828
			5 6				2 -

<i>Regulation Provinces.</i>						<i>Non-Regulation Provinces.</i>					
1 at 14	-	-	-	-	14 - -	2 at 15	-	-	-	-	30 - -
4 at 12	-	-	-	-	48 - -	13 at 12	-	-	-	-	156 - -
7 at 10	-	-	-	-	70 - -	36 at 10	-	-	-	-	360 - -
15 at 8·5·9	-	-	-	-	125 6 3	26 at 8	-	-	-	-	208 - -
2 at 8·5·8	-	-	-	-	16 11 4	1 at 7	-	-	-	-	7 - -
1 at 8·5·0	-	-	-	-	8 5 0	18 at 6	-	-	-	-	108 - -
534 at 8	-	-	-	-	4,280 - -	1 at 5·3·7	-	-	-	-	5 3 7
1 at 7·8·0	-	-	-	-	7 8 - -	5 at 5	-	-	-	-	25 - -
39 at 7	-	-	-	-	273 - -	102	-	-	-	-	899 3 7
2 at 6·4·4	-	-	-	-	12 8 8	784 persons monthly	-	-	-	-	6,201 10 10
73 at 6	-	-	-	-	438 - -						12
1 at 5	-	-	-	-	5 - -	Annual Rupees	-	-	-	-	74,420 2 -
at 4	-	-	-	-	4 - -						
					5,302 7 3						

No. 20.
Letter from the
Secretary to the
Government of
Bengal to the
Secretary to the
Government of
India.
• 30 April 1855.

29. The Commissioner of Rajshahye has recommended that the officers from whom it is desired to recruit the body of darogahs should all, in the first instance, be appointed to the grade of jemadars, and subsequently promoted to the grade of mohurir and darogah. The Lieutenant-Governor, however, thinks that this proposal is unadvisable, as it would deprive the burkundauze class, as a rule, of all hope of bettering their position, and, therefore, of that incentive to integrity and exertion which is at present so much needed. If the burkundauzes have promotion to look forward to, they will be efficient, instead of inefficient, and will be well content, while waiting for it, to receive a lower rate of pay than they otherwise would be satisfied with, and will be less likely to resort to corrupt sources of gain.

30. The mohurirships will, I am to observe, form a sufficiently large school for the darogahs, and the only material question is, whether darogahs and mohurirs, without the aid of the jemadars, will be sufficient for the higher and more responsible duty of holding investigations.

31. The Lieutenant-Governor considers that they will be amply sufficient for the investigation of all cases of a serious character; and that, as regards cases of secondary importance, jemadars drawn from the burkundauze class, and receiving a salary of 10 to 20 rupees a month, may safely be trusted to conduct the necessary inquiries. The jemadar's duty, however, as a general rule, ought not to be of this description, and his position requires rather the possession of a natural sagacity, conjoined with bodily energy and courage, than an education of any high order.

32. The Lieutenant-Governor would recommend that the jemadars should likewise be divided into three ranks in the same proportion as that proposed for the mohurirs, salaries of 10 rupees, 15 rupees, and 20 rupees a month, being assigned to each rank. The Lieutenant-Governor does not consider 20 rupees a month to be too high a rate of salary to assign to a small number of this class of officers, because it is obvious that if the increase to the salaries of the mohurirs shall have the effect of inducing a superior class of persons to take office in that grade, it will become a thing of almost impossible occurrence that a jemadar—originally a burkundauze—should ever rise to be a darogah. If the proposed increase should be extended to both the Regulation and the Non-regulation Provinces, the annual expenditure on this account would be 1,29,060 rupees, being an increase of 54,639-14-0 rupees.

33. But however great the importance of the measures above recommended, the Lieutenant-Governor attaches little less importance to the improvement of the character of the ordinary constabulary, the police burkundauzes. The presence of the jemadars and mohurirs in the interior of their police jurisdiction is, at most, exceptional; but the burkundauzes are everywhere constantly moving over the whole of their thannah circle, so that acts of oppression or extortion on their part are felt in every homestead. Their power for evil, though on a smaller scale than that of the higher grades, is more extended in its range.

34. With the stimulus to good conduct which the hope of promotion to properly paid jemadarships will open to them, the Lieutenant-Governor is of opinion that it will be sufficient to raise one-half of the whole number of burkundauzes above four rupees a month, but he would have none under that amount. He would propose to pay one-fourth of the whole number at the rate of six rupees a month, and one-fourth at the rate of five rupees a month, the remainder receiving four rupees a month.

35. This rate of pay will be enough to enable a man of honest intentions to be honest. And there are, no doubt, certain emoluments which these men will always receive in addition to their pay, and which involve no actual corruption or dishonesty, such as presents at marriages, festivals, and the like, which may be reasonably taken into account in estimating the pay which they should receive.

36. The total number of police burkundauzes and their present scale of pay
is

is shown in the margin.* The annual cost of maintaining these 9,077 persons is now 4,37,382 rupees. If one-fourth of the whole number be paid at the rate of six rupees a month, one-fourth at the rate of five rupees, and the remaining two-fourths at four rupees a month, the total annual increase of expense, in both the Regulation and the Non-regulation Provinces, will be 91,998 rupees per annum.

No. 20.
Letter from the
Secretary to the
Government of
Bengal to the
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India.
30 April 1855.

37. The following table exhibits the financial result of the different changes proposed.

	Present Scale per Annum.	Proposed Scale per Annum.	Increase per Annum.	Remarks.
Mohurirs :	Rs. a.	Rs. a.	Rs. a.	
In the Regulation Provinces - -	48,796 2	2,11,320 -	1,62,523 2	
In the Non-Regulation Provinces - -	13,032 -	42,480 -	29,448 -	
TOTAL - - -	61,828 2	2,53,800 -	1,91,971 2	
Jemadars :				
In the Regulation Provinces - -	63,629 7	1,12,320 -	48,690 9	
In the Non-Regulation Provinces - -	10,790 11	16,740 -	5,949 5	
TOTAL - - -	74,420 2	1,29,060 -	54,639 14	
Burkundauzes :				
In the Regulation Provinces - -	3,75,336 -	4,59,564 -	84,228 -	
In the Non-Regulation Provinces - -	62,046 -	69,816 -	7,770 -	
TOTAL - - -	4,37,382 -	5,29,380 -	91,998 -	
GRAND TOTAL - -	5,73,630 4	9,12,240 -	3,38,609 -	

38. The outlay involved in these changes is doubtless considerable ; and it is not to be concealed that it cannot be looked upon as a final outlay, for our police establishment in the Lower Provinces is not only ill-paid, but it is also even now numerically weaker than it should be, and it cannot but be supposed that, as trade and civilisation expand themselves throughout these provinces, covering them with lines of communication, and giving birth to a busy, energetic race of people, larger measures will be needed for the protection of property and the preservation of good order than now exist. Already this has been practically illustrated

* BURKUNDAUZES.

• Regulation Provinces.

58 at 5 - - - - -	290 - -
24 at 4-8 - - - - -	108 - -
7,421 at 4 - - - - -	29,684 - -
298 at 3-8 - - - - -	1,043 - -
51 at 3 - - - - -	153 - -

7,852

31,278 - -

Non-Regulation Provinces.

5 at 6 - - - - -	30 - -
354 at 5-8 - - - - -	1,947 - -
160 at 5 - - - - -	800 - -
325 at 4 - - - - -	1,300 - -
298 at 3 - - - - -	894 - -
67 at 2-8 - - - - -	167 8 -
16 at 2 - - - - -	32 - -

1,225

5,170 8 -

9,077

TOTAL - - - 36,448 8 -

Annual Rupees - - - 4,37,382 - -

No. 20.
Letter from the
Secretary to the
Government of
Bengal to the
Secretary to the
Government of
India.

30 April 1855.

illustrated in the police establishments which it was found necessary to place upon the Great Trunk Road.

39. The immediate object of the outlay now proposed is to remove what has hitherto been a standing reproach of Indian administration in Bengal, and the Lieutenant-Governor would urge the matter upon the attention of the Supreme Government with an expression of earnest hope that a public measure which is, in his opinion, surpassed by no other in importance, may be recommended to the Honourable Court. The inadequate payment of the subordinate officers of police was one of the matters, it may be remarked, which formed the subject of investigation before the late Parliamentary Committee appointed to inquire into the operation of the Charter Act of 1834.

I have, &c.
(signed) *W Grey*,
Secretary to the Government of Bengal.

No. 21.
Extract from a
Police Report of
the Superintendent
of Police, Lower
Provinces.
24 Dec. 1840.

— No. 21. —

EXTRACT from a Police Report of the Superintendent of Police, Lower Provinces,
for the first Six Months of 1840 ; dated the 24th December 1840.

Part of 892d para. But these arrangements will have no good effect, if higher pay is not given to the persons composing the police, and more substantial rewards held out to them for general good conduct and particular cases of exertion.

893d. The pay of a darogah at present is 25 rupees per month, of a mohurir 8, of a jemadar 10. Now considering that these officers, the darogahs in particular, have to keep up a respectable appearance, to proceed at any time to any part of an extensive jurisdiction, and must, the mohurir and darogah certainly, be persons of education and capability of taking, following up, and judging of evidence, I think these sums will be admitted to be too low to render employment in the line a desirable object for a respectable man ; those who do enter the service, enter it for the perquisites, and as no higher pay is to be obtained by any exertions or honesty of proceeding, they have nothing held out to them beyond occasional rewards, as an encouragement for good conduct. I recollect it used to be a common saying amongst the people about the courts, " that every darogah had his lotah and mat in the jail," meaning that the service was one most likely to lead to punishment, and in which a man anxious about his character would not enter.

894th. If our present system is to be adhered to, there should, I think, be two grades of burkundauzes at 5 and 6 rupees per month. The mohurirs, on whom all the details of the thannah fall, and who are responsible for keeping up with regularity all the books and statements, should receive 25 rupees, and after 10 or 15 years' service 30 rupees per month ; the jemadars 12, and when in charge of a pharee or ghattee 15 rupees per month.

(True extract.)

(signed) *Hodgson Pratt*,
Under-Secy. to the Govt. of Bengal.

EXTRACT from a Letter from the Superintendent of Police, Lower Provinces, to the Secretary to the Government of Bengal (No. 646 A.), dated Monghyr, the 1st April 1845.

No. 21.
Extract from a
Letter from the
Superintendent of
Police, Lower
Provinces, to the
Secretary to the
Government of
Bengal.
1 April 1845.

Para 5. I trust I may be excused if I bring to the notice of the Right honourable the Governor of Bengal, the miserable pay received by the mohurirs and jemadars of thannahs, who in many instances exercise the power and authority of the darogahs, and investigate cases of as great importance, are put to nearly the same expenses for conveyance when on duty, and are frequently in charge of considerable outposts. I have adverted to this in the 893d and 894th paras. of my police report for the first six months of 1840, and I feel sure that it will be requisite, if we wish to carry out reform in the police, to hold out higher salaries to these grades of officers, and also to have two grades of rank amongst the Burkundauzes, who, from their limited number, have very hard work to get over.*

(A true extract.)

(signed) *Hodgson Pratt*,
Under-Secy. to the Govt. of Bengal.

* I had a representation sent to me by the jemadars and burkundauzes of a district, urging their claim to some increase of salaries.

POLICE (BENGAL PRESIDENCY).

COPY of the DESPATCH from the Government of *India* to the Court of Directors of the East India Company, dated the 14th day of May 1857, with its several Inclosures relating to the System of POLICE in the BENGAL PRESIDENCY.

(*Mr. Seymour.*)

*Ordered, by The House of Commons, to be Printed,
21 July 1857.*

[*Price 1 s. 3 d.*]

198—Sess. 2.

Under 16 oz.

EAST INDIA (PRESS).

RETURN to an Order

of the Honourable The House of Commons,
dated 26 March 1858;—for,

COPIES "of a LETTER from the East India Company to the Right Honourable the Chairman and Deputy Chairman of the East India Company, dated 17th day of January 1823, on the subject of the PRESS in India:"

Of REPLY of Mr. Wynn to the foregoing, dated the 5th day of April 1823:"

Of any DESPATCH or DESPATCHES from the Court of Directors of the East India Company to the Government of India, relating to Act XI. of 1835:"

Of a NOTIFICATION issued by the Government of India on the 18th day of June 1857, with reference to the provisions of Act No. XV. of 1857, that application for Licenses to keep or use Printing Presses must in future be made to certain Authorities named herein, and naming the ordinary Conditions on which such Licenses may be had; also, of any Notifications, similar in terms or tenor to the foregoing, which have been since issued by the Government of Madras or the Government of Bombay:"

Of any MEMORIAL or REMONSTRANCE addressed to the East India Company, praying for the Disallowance of Act XV. of 1857, and the Reply or Replies of the East India Company to the same:"

And, of any RECORDS of PROCEEDINGS by the Supreme Government, or any of the Local Governments in India, taken in reference to enforcing the Provisions of Act XV. of 1857, and of any NOTICES or WARNINGS to Printers or Publishers, with any Articles or Writings inculcated under the same."

East India House,
3 May 1858. }

J. D. DICKINSON,
Secretary.

(Mr. M. Gibson.)

Ordered, by The House of Commons, to be Printed,
4 May 1858

L I S T.

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East India House,
3 May 1858. }

J. S. Mill,
Examiner of India Correspondence

PAPERS RELATING TO THE PUBLIC PRESS IN INDIA.

LETTER from the Chairman and Deputy Chairman of the East India Company to the Right Honourable *Charles Watkin Williams Wynn*, dated 17th January 1823. (Referred to in pages 92 and 106-7 of the Evidence.)

Sir,

THE attention of the Court of Directors having for some time past been most seriously turned to the state of the public press in India, they are desirous of putting the Board in possession of the best information upon the subject which they have been able to collect from the East India Company's records, accompanied with such considerations as the facts have suggested to the Court. The change which is about to take place in the Supreme Government of India, by the appointment of a new Governor-General, has appeared to present a fit opportunity for deliberation and discussion on a question, delicate and difficult it must be confessed; but the delicacy and difficulty of which ought not, in the opinion of the Court, to prevent its being boldly met and freely canvassed.

As the organs of the Court, and acting as the interpreters of its sentiments on this occasion, we shall begin with taking a retrospect of the measures, whether penal or precautionary, which the successive local Governments in India have, with the sanction of the authorities at home, deemed it expedient to resort to in regard to the editors of newspapers, and other periodical works, from the year 1791 downwards.

It does not appear that, previously to 1799, there were uniform and consistent rules established at the three presidencies for guiding the conduct of the editors of newspapers, or for restraining and punishing their excesses. The frequency of the abuses, however, which occurred in the Calcutta press, between the years 1791 and 1799 (as hereafter enumerated) seem to have satisfied the Government, at the latter period, that other checks were required than the discretion of editors, and apprehension of the displeasure of Government, whether manifested in the more lenient form of censure, or to the full extent of its powers in the deportation of the offending party.

In 1791, Mr. William Duane was arrested by the Bengal Government, and ordered to be sent to Europe, in consequence of an offensive paragraph which appeared in the "*Bengal Journal*," reflecting upon Colonel De Canaple, commandant of the affairs of the French nation, (as he was styled,) and his countrymen, then residing at Calcutta. Mr. Duane, on that occasion, applied to the Supreme Court for a writ of *habeas corpus*, which was granted. The writ having been served upon the acting town-major of Calcutta, it was stated, in the return annexed thereto, that the Governor-General in Council had ordered the arrest of Mr. Duane, with a view to his being sent to Europe, that the Governor-General in Council possessed the legal right to issue and enforce such orders, and that, in obedience thereto, Mr. Duane had been seized, and was then detained in legal custody of the acting town-major. After a long and elaborate argument upon the validity of this return, the judges of the Supreme Court came to a solemn and unanimous decision, recognising the right asserted by the Government; and Mr. Duane, who had been brought into court, was remanded to the custody of the town-major. In consequence of the intercession of Mr. Fumeron, the French agent, Government was induced to revoke its order for the embarkation of Mr. Duane; but that person having afterwards published, in a paper called "*The World*," of which he was editor, a number of improper and intemperate articles, and particularly an inflammatory address to the army, he was again arrested and sent to Europe, in the end of 1794, and of this proceeding the Court of Directors highly approved.

In 1796, the editor of a Calcutta paper, called "*The Telegraph*," incurred the displeasure of Government, by inserting in his journal an article, imputing to a gentleman in office the extortion of the enormous *batta*, taken by the shroffs of

Calcutta, on the exchange of gold mohurs for silver. The editor, Mr. H. M'Kenly, having been called upon to explain on what ground the assertion contained in this paragraph had been made, replied that the paragraph had been inserted on the authority of Mr. Hair. Mr. Hair, on being required to furnish explanations, and also to name the gentleman alluded to, denied being the author of the offensive paragraph, and there the matter seems to have been allowed to rest.

In the same year (1796), a paragraph having appeared in the "Calcutta Gazette," relative to certain communications on the subject of peace, which had passed between the Court of London and the French Republic, the editor was admonished of the impropriety of inserting such observations in a paper published under the sanction of Government; but, on Mr. Horsley asking pardon, and promising to abstain in future from inserting similar articles, no further proceeding was adopted.

In 1798, in consequence of a letter which appeared in "The Telegraph," under the signature of "Mentor," tending to excite discontent and disaffection in the Indian army, the Bengal Government was induced to take measures for discovering the author of the letter; and it having been found to have been written by Captain Williamson, he was suspended the Company's service; and the Court of Directors subsequently refused to comply with his request for leave to return to India, though they permitted him to retire with the half-pay of his rank.

In the same year (1798), a letter having appeared in "The Telegraph," signed "Charles M'Lean," animadverting on the official conduct of Mr. Rider, the magistrate of Ghazee-pore, both the editor and Mr. M'Lean were called upon by Government to apologise for publishing the article in question. The editor complied, but Mr. M'Lean refused. The latter was, for this act of contumacy, and his previous misconduct in quitting the ship to which he had been attached, and remaining in India without permission, sent to Europe. Of this proceeding the Court approved.

In 1799, the editor of "The Telegraph" was called upon by Government publicly to apologise for some very indecent reflections which had appeared in his paper on the clerk of the post-office.

At that period (1799), in consequence, as was stated, of the number of improper paragraphs which had appeared in the newspapers, the Bengal Government established the following regulations for the public press:

1st. Every printer of a newspaper to print his name at the bottom of the paper.

2d. Every editor and proprietor of a paper to deliver in his name and place of abode to the Secretary to Government.

3d. No paper to be published on a Sunday.

4th. No paper to be published at all until it shall have been previously inspected by the Secretary to the Government, or by a person authorised by him for that purpose.

5th. The penalty for offending against any of the above regulations to be immediate embarkation for Europe.

* "Hirkarrah,"
"Morning Post,"
"Calcutta Courier,"
"Telegraph,"
"Oriental Star,"
"Indian Gazette,"
"Asiatic Mirror."

These regulations were communicated to the proprietors and editors of papers,* who severally addressed the Government, promising strict compliance therewith. The regulations were extended to other papers as they started; and on being reported to the Court of Directors they were distinctly approved by them.

In a plan, prepared in 1801, by order of the Bengal Government, for the establishment of a Government printing press, it was proposed to print an official Gazette, accompanied with a newspaper, containing articles of intelligence and private advertisements, the latter to be published under the inspection of Government, but not to be considered, like the Gazette, as an official communication. The following were the grounds alleged for this proposition: "In a political view, a powerful motive arises in favour of the proposed establishment. The increase of private printing presses in India, unlicensed, however controlled, is an evil of the first magnitude in its consequences; of this, sufficient proof is to be found in their scandalous outrages from the year 1793 to 1798. Useless to literature

literature and to the public, and dubiously profitable to the speculators, they serve only to maintain in needy indolence a few European adventurers, who are found unfit to engage in any creditable method of subsistence. The establishment of a press by the Supreme Government would effectually silence those which now exist, and would as certainly prevent the establishment of such in future."

The plan was not carried into execution on account of the expense with which it was supposed that it would be attended. But the foregoing passage shows the feeling which existed at the time respecting the abuses of the press, previously to the establishment of the censorship.

In 1801, the editor of the "Calcutta Gazette" was prohibited from publishing any military orders, army list, book, or pamphlet, relative to the numbers or situation of the army, without the immediate sanction of Government; and the editors of the other papers were prohibited from publishing any military orders, except such as had previously appeared in the Gazette, and from publishing any army list, &c., without the permission of Government.

In 1802 the editors of newspapers were prohibited, during the war, from publishing any articles of intelligence respecting the departure of ships.

In 1804, the editor of the "Indian Gazette" was directed not to publish, during the war, any naval or shipping intelligence whatever, excepting such as had appeared, in the first instance, in the "Calcutta Gazette," under the sanction of Government.

In June 1807, the editors of the newspapers were censured for having published, without authority, intelligence respecting His Majesty's fleet in India, the same being contrary to the orders of Government. The editors were again directed not to insert articles of this kind, unless they had previously appeared in the "Government Gazette," or had been otherwise duly authorised by the naval commander-in-chief in India. Any deviation in future from these orders, it was signified to them, would incur the displeasure of Government.

The Governors of Fort St. George, Bombay, and Prince of Wales' Island, were requested to issue similar orders to the editors of the several newspapers at those places, respectively.

The editor of the "Indian Gazette" was desired to state why he had issued a number of his paper without having previously submitted the proof sheets for the inspection of Government, and directed not to send it out to Calcutta.

In 1808, the editor of the "Calcutta Gazette" was censured for having omitted, during several weeks, to submit proof sheets of his paper for inspection previously to publication. Various articles having been inserted during that period which were deemed particularly improper and objectionable in a paper published under the express authority of Government; the editor was directed, for the future, invariably to send his proof sheets for revision, and to include therein every article, as well of intelligence as of other matter intended for publication.

The editor expressed his regret at having inadvertently omitted to send the proof sheets for inspection, and promised greater regularity in future.

In 1811, the proprietors of all the presses in Calcutta and its dependencies were directed to cause the names of the printers to be affixed to all works, papers, advertisements, &c., printed at or issuing from those presses, on pain of incurring the displeasure of Government.

In 1812, the editor of the "Calcutta Daily Advertiser" was censured, at the instance of the Adjutant-general, for having inserted an advertisement, "having for its object to expose to public ridicule a respectable officer in the Company's service." The re-insertion of the advertisement, and of the correspondence to which it referred, was prohibited; and this opportunity was taken for directing all advertisements to be submitted for the inspection of Government previously to publication, in like manner with other articles.

The editor apologised for the insertion of the objectionable advertisement, but remarked on the great inconvenience which would be occasioned if all advertisements were to be submitted for the previous inspection of Government, suggesting the limitation of the orders of Government to such advertisements as were of a doubtful nature, and the exemption from their operation of those which had clearly for their objects, sale, purchase, hire, and notices in general. Government acknowledged the justice of this representation, and agreed to modify their orders accordingly.

In 1813, Mr. Assistant-surgeon Tytler complained to Government of a libel having been published against him in the "Hirkarrah." The offensive article was in consequence represented to the proprietors as highly improper, and they were desired to explain why the publication had not been submitted to Government prior to the circulation of 150 copies. The proprietors stated, in reply, that they were not aware that Government required papers of a private nature (where parties took the responsibility on themselves) to be submitted for previous inspection, but promised more strict attention to the injunction in future.

On the 16th October 1813, the following rules were established for the control of the printing offices in Calcutta :

1. "That the proof sheets of all newspapers, including supplements, and all extra publications, be previously sent to the Chief Secretary for revision.
2. "That all notices, hand-bills and other ephemeral publications, be in like manner previously transmitted for the Chief Secretary's revision.
3. "That the titles of all original works proposed to be published, be also sent to the Chief Secretary for his information, who will thereupon either sanction the publication of them, or require the work itself for inspection, as may appear proper.
4. "The rules established on the 13th May 1799, and the 6th August 1801, to be in full force and effect, except in so far as the same may be modified by the preceding instructions."

On the 11th April 1815 the very irregular conduct of the editor of the "Mirror," in having inserted an account of the route from Janickpoor to Catmandhoo, after the same had been struck out by the Secretary to Government, was pointed out to him by the Chief Secretary.

On the 4th April 1815, the editor of the "Mirror," at the recommendation of the Adjutant-general, was censured for having inserted in that paper a statement of the formation of three new regiments, with their allotment of officers, such a measure being at that time only under the consideration of Government. The editor begged to decline naming the mercantile house from which he had obtained his information, stating, "that all forthcoming civil and military appointments are generally known before their publication in the 'Calcutta Gazette,' or the public official communication of them by Government." He also remarked on the rigour exercised by the present censor when compared with the conduct of his predecessor.

In 1817, Dr. Bryce, the editor and managing proprietor of the "Asiatic Mirror," complained to Government of the Chief Secretary (Adam), for having "overstepped the powers of his office," as censor of the press, in striking out of the proof sheets a critique on a historical, political, and metaphysical work, by Lieutenant Young, which critique Lieutenant Young had perused and approved. Mr. Adam stated that he considered the critique "to be written in a tone of sarcasm and bantering, likely to produce irritation, and to have occasioned an angry discussion in the newspapers;" and that he deemed the prevention of such disputes to be strictly within the limits of his duty and authority, as connected with the control of the press; but that, on hearing from Dr. Bryce that Lieutenant Young had approved of the critique, he should have allowed its publication, had not Dr. Bryce accompanied the intimation with a threat of complaining of him to Government for an undue exercise of his powers as censor, in having expunged it from the proof sheets. Dr. Bryce at the same time submitted to Mr. Adam a notice to his readers, accounting for the hiatus, which would appear in that day's "Mirror," in the event of his (Mr. Adam's) persisting in his refusal to allow the appearance of the critique. The notice, strongly reflecting on the conduct of the censor of the press, in prohibiting the appearance of a criticism on a work purely literary, was cut down by Mr. Adam to a mere apology, "for a blank in this day's 'Mirror.'"

It was intimated to Dr. Bryce, in answer to his complaint, that, under the explanation given by Mr. Adam, the latter was not considered to have unduly exercised his powers as censor in the instance specified by Dr. Bryce, whose conduct with respect to the intended notice to his readers was deemed highly disrespectful. He was therefore informed that in his "editorial capacity" he stood under the unfavourable sentiment of Government. The Governor-General also remarked

remarked on the incompatibility of the avocations of an editor and managing proprietor of a newspaper with the clerical character, even "supposing the paper conducted without inviting controversy. Dr. Bryce, on receiving the above-mentioned communication, again addressed the Government, and submitted certain explanations relative to his conduct as editor of the "Mirror," with a view of inducing a revocation of the censure passed on him by Government. He also defended the propriety of his conduct in having undertaken the office of editor of a newspaper, which he did not consider to be incompatible with the clerical character. In the course of his observations Dr. Bryce commented severely on the conduct of Mr. Adam as censor, when compared with that of former censors of the press.

The Governor-General in Council, after a perusal of Dr. Bryce's defence, declared that he could see no reason, in his present explanation, to withdraw the public censure passed upon him in his editorial capacity, and that his Lordship had observed with sincere regret the whole strain and tenor of Dr. Bryce's letter; but that his Lordship in Council deemed it unnecessary to continue a discussion with him on the subject, adding that it was "almost superfluous to observe, that the character of Mr. Adam stood too high in the estimation of Government and of the public to be in any way affected by the insinuations stated in Dr. Bryce's letter."

In June 1817, Mr. Adam complained of the insertion of matter in the "Mirror" not sanctioned by him. Dr. Bryce in reply vindicated his general conduct as editor of the paper, and stated that in the instance specified the fault did not rest with him. He then proceeded to inquire whether he might be allowed, after the proof sheets had received the censor's initials, to correct typographical errors, or grammatical inaccuracies, or to withdraw from the paper anything once submitted, or even to insert births, deaths, marriages, and advertisements, or a summary of intelligence of importance that might happen to be received after the proof sheets had been sent to the censor; if not, he declared his intention to apply for a relaxation of the rules, which he requested to be furnished with, as he was only acquainted with them in the mode of conducting the department of censor by Mr. Ricketts, and as Mr. Adam had departed materially from what he understood to be the established practice. Mr. Adam answered affirmatively all the above inquiries, and stated that he only desired the observance of the rules already established by former practice, and by the letters which he had addressed to him on the subject.

On the 19th August 1818, the following new regulations, superseding the censorship, were passed by the Governor-General in Council, for the conduct of the editors of newspapers.

"The editors of newspapers are prohibited from publishing any matter coming under the following heads, viz:

1. "Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England, connected with the Government of India, or disquisitions on political transactions of the local administration, or offensive remarks levelled at the public conduct of the Members of the Council, of the Judges of the Supreme Court, or of the Lord Bishop of Calcutta.

2. "Discussions having a tendency to create alarm or suspicion among the native population of any intended interference with their religious opinions or observances.

3. "The republication from English or other newspapers of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

4. "Private scandal and personal remarks on individuals tending to excite dissension in society."

The rules prescribed for the guidance of the editors of the Calcutta papers were reported to the Court of Directors in the public letter from Bengal, dated 1st October 1818 (paragraph 78), but no reasons were assigned for the change of system, either on the consultations of Government or in the despatch to the Court.

The Court having been desirous of replying separately to such part of the communication

communication from the Bengal Government of the 1st October 1818, as related to the press, prepared the draft of a despatch, which was sent up officially to the India Office for the sanction of the Board of Commissioners, on the 7th April 1820 ; but the draft has never been returned by the Board, nor has the Court received any official communication respecting it.

The following extract from the proposed despatch will explain the sentiments and object of the Court in framing it :—

“ It is clear, from the tenor of these new regulations, and from the nature and extent of the restrictions imposed by them, that you have not intended to liberate the press of Calcutta from all control on the part of Government, although an inference, even to that latitude, might have been drawn from an article in the ‘ Madras Government Gazette ’ of 12th August last, purporting to be an answer of the Governor-General to an address from the inhabitants of Madras. The only question, therefore, is, whether the new system of control is likely to prove at once equally efficient with that which it supplanted, and less inconvenient to individuals. After the fullest consideration which we have been able to give to the subject, it is our decided conviction that neither the Government, nor the public, nor the editors, will benefit from the change.

“ With this conviction we positively direct that, on the receipt of this despatch, you do revert to the practice which had prevailed for near 20 years previous to 1818, and continue the same in force until you shall have submitted to us, and we shall have approved and sanctioned, some other system of responsibility or control, adapted alike to all our Presidencies in India.

“ The inconvenience and public scandal which have resulted from the sudden liberation of the press in Calcutta, while that at Madras continued under control, are too notorious to require particularising here, and could not but be the consequence of so hasty and partial a measure.

“ We do not by any means intend that the direction now conveyed to you should be understood as implying a determination on our part to maintain in perpetuity the system of previous inspection, as established for the last 20 years ; but we mean distinctly to show, that we cannot consent to have great changes made in any part of our existing system, without a previous communication to us, and a previous signification of our approval, and especially without some efficient substitution in the room of the regulations proposed to be rescinded.”

It remains for us shortly to trace the results of the new system established in Bengal in 1818.

At a meeting of the inhabitants of Madras, held on the 26th May 1819, for the purpose of congratulating Lord Hastings on the successful issue of the Pindarry and Maliratta war, it was resolved to present an address to his Lordship, in which there was the following passage: “ While contemplating this important subject, it must have occurred, that to the attainment of truth freedom of inquiry was essentially necessary ; that public opinion was the strongest support of just government ; and that liberty of discussion served but to strengthen the hands of the Executive. Such freedom of discussion was the gift of a liberal and enlightened mind, an invaluable and unequivocal expression of those sentiments evinced by the whole tenor of your Lordship’s administration.” The Governor-General, adverting to this portion of the address, in his reply, was represented in the “ Madras Government Gazette,” to have expressed himself as follows: “ One topic remains. My removal of restrictions from the press has been mentioned in laudatory language ; I might easily have adopted that procedure without any length of cautious consideration, from my habit of regarding the freedom of publication as a natural right of my fellow-subjects, to be narrowed only by special and urgent cause assigned. The seeing no direct necessity for those invidious shackles, might have sufficed to make me break them. I know myself, however, to have been guided in the step by a positive and well-weighed policy. If our motives of action are worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion. Further, it is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of rectitude, that authority can lose nothing of its strength by its exposure to general comment ; on the contrary, it acquires incalculable addition of force. That Government which has nothing to disguise, wields the most powerful instrument that can appertain

appertain to sovereign rule. It carries with it the united reliance and effort of the whole mass of the governed ; and let the triumph of our beloved country, in its awful contest with tyrant-ridden France, speak the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."

No allusion having been made by Lord Hastings, in this communication, to the restrictions imposed by Government on the press by its orders of August 1818, it seems to have been inferred, at least by some of the editors of papers, that it was not intended to enforce those restrictions.

In June 1819 some paragraphs appeared in the "Calcutta Journal," grossly aspersing the character of Governor Elliot, and representing his continuance in office as a public calamity. The Advocate-general having been called upon for his opinion as to the advisableness of instituting legal proceedings against Mr. Buckingham, the editor, rather discouraged the adoption of this course. The Government felt strong objections to exercise its extreme powers, by depriving Mr. Buckingham of his licence to remain in the country, considering that it was the first offence which had occurred since the removal of the censorship. It was therefore deemed sufficient severity to reprove Mr. Buckingham, and to warn him of the inevitable consequences of violating the restrictions which had been imposed when the censorship was taken off. Mr. Buckingham expressed contrition for his offence, and pledged himself to avoid inserting in his paper objectionable matter in future.

In January 1820 certain observations appeared in the "Calcutta Journal," under the head of "A Notice to Subscribers under the Madras Presidency," clearly intending to convey the impression that the Government of Fort St. George had taken measures, unjust in themselves, and originating in improper motives, to impede the circulation of that journal. Mr. Buckingham was admonished of the impropriety of his conduct in violating the rules which Government had laid down for the conduct of the press, particularly after having so lately experienced its indulgence, and was warned of the certain consequence of his again incurring its displeasure. He was, at the same time, required to publish in the "Calcutta Journal" a distinct acknowledgment of the impropriety of his conduct, and a full and sufficient apology to the Government of Fort St. George. On receiving a notification to this effect, Mr. Buckingham submitted two letters to Government, containing a justification of his conduct. In one of these letters, alluding to the answer of the Governor-General to the address of the inhabitants of Madras, he says, "I conceived that, by this solemn and public declaration, the letter of the restrictions of 1818 was virtually abrogated, as it appeared to my erring judgment, in common with many others, that the sentiments there expressed, and the prohibitions formerly in force, were wholly incompatible, and could not simultaneously exist." Mr. Buckingham's explanation appearing to a majority in Council (Mr. Adam dissenting) to afford considerable ground of exculpation, a more modified acknowledgment than had been before prescribed, was accepted. In concluding the correspondence on this matter, it was observed in the letter of the Government Secretary to Mr. Buckingham: "The rules framed for the guidance of the editors of newspapers, when they were relieved from the necessity of submitting the papers to the revision of an officer of Government were in themselves so reasonable and obviously suitable to the circumstances of this Government, and to the state of society here, as to warrant the expectation of their general spirit being observed, even if they had not been officially prescribed. Independently of other injurious consequences to which an injudicious or perverted use of the discretion vested in the editors of newspapers may lead, it has a manifest tendency to raise a question as to the expediency of the liberal measures sanctioned by Government with regard to the press, and to lead to the revival of those restrictions, which common prudence on the part of the editors would render altogether unnecessary."

In February 1820, a letter was published in the "Calcutta Journal," complaining of the rate of exchange at which the troops in the Nizam's country were paid. Mr. Buckingham having been called on for the name of the author, he gave that of Lieutenant J. Smith, of the 22d Madras Light Cavalry, stationed at Jaulnah. This information was communicated to the resident at Hyderabad, who had drawn the attention of Government to the letter, but it does not appear that any steps were taken in consequence of the communication by the Resident.

In November 1820, a letter, under the signature of "Emulus" having appeared

appeared in the "Calcutta Journal," headed "Merit and Interest," and the Government having regarded it as a production of a very offensive and mischievous tendency, desired the opinion of the Advocate-general as to the probable issue of a legal prosecution, if instituted against the publisher. The Advocate-general stated his opinion that the letter in question was a libel on the Government and administration of the country, not highly offensive in its terms, but mischievous in its tendency, and encouraged the measure of prosecution. A prosecution was accordingly resolved on. Mr. Buckingham, on hearing of this determination, implored the compassion of Government; but he was informed that Government saw no reason for staying the proceedings which had been commenced against him. Mr. Buckingham having subsequently, however, addressed a letter to Lord Hastings, disavowing the opinions expressed in the offensive letter, and praying that the prosecution might be abandoned; and this letter having been communicated by his Lordship to the Council of Government, Mr. Buckingham was informed that the prosecution would be waved, on condition that no opposition should be made by his counsel to the motion for a criminal information against him, and that he should address a letter to the Government, comprehending, in unequivocal and distinct terms, the professions contained in his letter to Lord Hastings. These conditions having been complied with, the prosecution dropped.

In the same month (November 1820) there appeared in the "Calcutta Journal" a letter, headed "Military Monopoly," and signed "A Young Officer," the tenor of which was considered highly objectionable. Mr. Buckingham, on being applied to, gave up the name of the writer, viz., Lieutenant Edward Fell, 2d battalion, 10th Regiment of Native Infantry, who was severely reprimanded by the Commander-in-Chief.

In July 1821, there appeared in the "Calcutta Journal" of two days consecutively, paragraphs respecting the circulation, post free, by Government, of the prospectus of a new paper, called "John Bull in the East." These paragraphs having attracted the attention of Government, were referred to the Advocate-general for his opinion, whether they contained fit matter for prosecution: but Mr. Spankie did not think it a case in which it would be advisable to institute legal proceedings.

In the same month, the Bishop of Calcutta preferred a complaint to Government, founded on an article which had appeared in the "Calcutta Journal," containing a charge against him of encouraging and upholding the clergy in the neglect of their most solemn duties. The editor of the "Calcutta Journal" having been called upon to state the name of the author, replied that the author was unknown to him, and that he had been induced to publish the article by a conviction that a temperate and modest discussion of the inconveniences likely to result from a want of proper control over military chaplains might be productive of public benefit. Mr. Buckingham was severely reprimanded for this fresh offence, and informed that the commission of any new misdemeanor, affecting either the authority of Government, or tending to disturb the tranquillity and comfort of the community, would be followed, without any previous discussion, by the annulment of his licence to reside in India, and by an order for his immediately leaving the country. In the letter addressed to Mr. Buckingham on this occasion, is the following remarkable passage: "When certain irksome restraints which had long existed on the press in Bengal were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, might be extremely useful to all classes of our countrymen in public employment."

The just expectations of Government have not been answered. Whatever advantages have been attained, they have been overbalanced by the mischief of acrimonious discussions spread through the medium of your journal. Complaint upon complaint is constantly harassing Government regarding the impeachment which your loose publications cause to be inferred against individuals, &c. &c.

A long letter from Mr. Buckingham defending the mode in which his journal was conducted, with reference to the doctrine laid down in the Governor-General's answer to the Madras address, and setting forth the ruin to which he was exposed, and against which it was utterly impossible for him effectually to guard, by the threatened determination of the Government to send him out of the country should he again incur its displeasure, produced no change in its sentiments and resolutions.

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In November 1821 there appeared a series of articles in the *Calcutta Journal*, which, in the opinion of Government, displayed a deliberate design to obstruct the course of justice in the case of an indictment for a libel, which had been found against the editor of that newspaper. The Advocate-general having been applied to for his opinion and advice, pronounced the articles in the highest degree illegal and mischievous, and advised an application to the Supreme Court for a criminal information against the editor of the paper. The criminal information was applied for and refused; one of the judges (Sir Francis M'Naughton) doubting the power of the Court to grant an information, and the other two judges being of opinion that it was a case in which it would be more proper to proceed by indictment.

The application of the Advocate-general to the Supreme Court produced a violent article in the next "*Calcutta Journal*," headed "*Freedom of the Indian Press*," of which the following is an extract:—

"Such is the boon of a free press in Asia, with which the world has rung for the last three years; and the praise of those who knew not what awaited it, is not even yet at an end. Such is the salutary control of public opinion on supreme authority, and the value of a spirit, to be found only in men accustomed to indulge and express their honest sentiments."

The words in the latter part of the extract are taken from the Governor-General's answer to the address of the inhabitants of Madras in 1819. Mr. Adam drew the attention of his colleagues in Council to this passage as a grossly offensive and personal attack upon the head of the Government, and as tending consequently to weaken his authority, and bring his administration into contempt. On this occasion the several members of Council recorded minutes declaratory of their sentiments; and those of Mr. Adam (who opened the discussion), and of the Governor-General, are particularly deserving of attention. "That the seeds of much mischief" (says Mr. Adam) "have been already sown by the writings of the editor of the "*Calcutta Journal*," and those also who, to their own disgrace, and to the signal failure of their duty to the Government and the Company, have combined to support him in his career of insolence and audacity, is, I fear, the case; and though I trust the evil has not spread so wide as to be beyond correction, I cannot contemplate its continued progress without serious alarm, and the strongest conviction that it is the duty of Government to interfere to check it, by the application of the powers which the law has placed in its hands for its own security, and the welfare of the community over which it presides." Mr. Adam did not advise resorting to the exercise of this power until the result of certain other proceedings against Mr. Buckingham in the Supreme Court should be known, adding, however, that he "never had any confidence in appeals to a court of law as a means of checking the excesses of the press."

Mr. Adam described Mr. Buckingham in the same minute as "merely the ostensible organ of a party which was arrayed against the Government, and the peace of the community." "That such a party exists," he proceeds, "is undoubted, though it is difficult to conceive the motives by which its members are influenced. Little will be effected if that combination is not broken, nor is it tolerable that the servants of the Government, and men living here under its licence and protection, should band themselves against it, and act in declared and systematic defiance of its authority. A more direct reference to the known leaders of this faction is not called for at the present moment; but should it become necessary hereafter, I will not shrink from the duty imposed on me." Further on, Mr. Adam observes, "We must carefully discriminate the effects of such a procedure in England, and in a society and under a Government so peculiarly constituted as that of India. It is too trite and obvious to require remark, that what may be wisely and safely treated with neglect there, may produce the most deplorable consequences here."

The Governor-General declared in his minute that "he saw as distinctly as Mr. Adam did, the seriously hurtful effects which must be produced among the young officers of the Honourable Company's army, and even among many inexperienced civil servants, by continued instigation, calculated to excite in them the notion that they, and not the legitimately established members of Government, are the competent and proper judges of what is expedient for the maintenance of the British interests in India. The regulations of European society in a country so peculiarly circumstanced as this is, must be acknowledged by

every one as of primary importance towards the security of our tenure; and I fully subscribe to the observation of Mr. Adam, that a class of observations which, though censurable, are attended with little inconvenience in England, may here cause most dangerous impressions." The Governor-General did not therefore differ from Mr. Adam in principle, although he was averse to the exercise of the authority with which the Government was intrusted by law, of sending a person like Mr. Buckingham out of the country, unless the infliction of such a penalty was not only rigidly demanded, but "the necessity for it broadly visible." His Lordship admitted the existence of a knot of persons at Calcutta, constituting a little confederacy, of which Mr. Buckingham was the tool, and alluded, in terms of incredulity, to information which he had received, that a subscription had been entered into for the purpose of supporting Mr. Buckingham under the pending prosecutions. "Were the fact substantiated," his Lordship adds, "I could not but hold such an avowed prejudication of the case in the light of a highly culpable attaint to the administration of justice, and an indefensible disrespect to this Government. With that sentiment regarding the measure, I should certainly feel myself bound to concur in visiting it with the most decisive castigation." Mr. Fendall, in his minute observed, that "the general tenor of Mr. Buckingham's publications must have a very baneful effect upon the minds of the dissatisfied and younger part of the service, and which, sooner or later, must be met by its proper punishment." Mr. Stuart, having only lately returned from the Cape, and being but imperfectly acquainted with the transaction under discussion, reserved his sentiments until the question might be revived in a more definite shape.

Dated 19 July
1822.

A letter has just been received from the Bengal Government, in which the attention of the Court is drawn to certain proceedings of the Governor-General in Council in May last, in consequence of a letter signed "A Military Friend," which was published in the "Calcutta Journal" on the 17th of that month, and which the Government was of opinion could not be passed over with any regard to its own dignity, or authority, or the interests of the public. Mr. Adam having brought this letter to the notice of the Council, Mr. Buckingham was called upon to state, for the information of Government, the name, designation, and address of the writer. Mr. Buckingham, after some hesitation, declared Lieutenant-colonel W. Robison, commanding his Majesty's 24th Regiment of Foot, to be the author of the offensive letter.

This information having been obtained, Mr. Adam recorded a Minute, in which, after animadverting on the mischievous tendency of this and some other articles which had lately appeared in the "Calcutta Journal," submitted the following resolutions for the adoption of the Council Board:—

1st. "That Lieutenant-colonel Robison be removed from the command of his regiment, and directed to proceed to England, to await the final judgment of his Royal Highness the Commander-in-Chief.

2d. "That this resolution, and the causes of it, be published to the army, in General Orders, with observations and injunctions to the effect stated in Mr. Adam's Minute.

3d. That Mr. Buckingham's licence to reside in India be withdrawn, and that he be desired to embark for Europe within a time to be limited."

In these propositions Mr. Fendall and Mr. Bayley expressed their entire and cordial concurrence.

The Governor-General, conceiving the punishment proposed to be inflicted on Mr. Buckingham to be too severe for his offence, seeing that he had given up the author of the obnoxious letter, and addressed two letters to his Lordship, which his Lordship considered to give satisfactory assurance of his better behaviour in future, negatived Mr. Adam's third proposition by his single dissentient vote, under the powers vested in the Governor-General by the provisions of the 33d Geo. 3, c. 52, s. 47.

The other two propositions relating to Lieutenant-colonel Robison were adopted, in the following modified form:—

"Resolved, That a letter, under the signature of 'A Military Friend,' published in the 'Calcutta Journal' of the 17th instant, is a gross insult to the Honourable Company's Government, falsely and slanderously asserting that
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divers abuses and oppressions were permitted by that Government, until they were exposed in the above newspaper, and encouraging the thoughtless to represent grievances through that channel, with all the distortions which inexperience, misapprehension or malignity may prompt, instead of resorting to the legitimate sources of redress, where the grounds of the complaint would be justly measured.

“Resolved, That as the editor of the ‘Calcutta Journal’ has acknowledged Lieutenant-colonel W. Robison, of his Majesty’s 24th Regiment, to have written the letter in question, and to have sent it to him (the editor) for publication, the Governor-General in Council must deem it inexpedient for the interests of the Honourable Company, that the said Lieutenant-colonel W. Robison, unless he can disprove the charge so made against him by the editor of the ‘Calcutta Journal,’ should be placed in any situation where an important trust may devolve upon him.

“Resolved, That the above opinion be communicated to the Commander-in-Chief, and that his Excellency be requested to act in consonance to it.”

The Commander-in-Chief caused the Resolutions of Government to be communicated to Lieutenant-colonel Robison, but wishing to observe as much delicacy as possible towards him, sent him a leave of absence for 18 months, with the intention that he should precede his regiment to England. He was however, apprised, that the Commander-in-Chief would not permit any hesitation or delay in the fulfilment of what Government have prescribed. Instructions were at the same time sent to Lieutenant-colonel Adams, his commanding officer, directing him to question Lieutenant-colonel Robison upon honour, whether he was or was not the author of the obnoxious letter. In the event of Colonel Robison’s declaring that he was not the author, all further proceedings were to be suspended, and the denial was to be reported to head quarters. On his admitting himself to be the author, or declining to answer, he was to be asked whether he meant to act on his leave of absence. In case of his availing himself of it, he was to be allowed two or three days to prepare for his departure; but in case of evasion or hesitation, Lieutenant-colonel Adams was directed to order him to quit the cantonment forthwith, and to proceed straight to Calcutta; and in case of non-compliance, to arrest him for disobedience.

On receiving the communication of the Resolutions of Government, Lieutenant-colonel Robison addressed a violent letter to the Chief Secretary, which determined the Commander-in-Chief to bring the Lieutenant-colonel to a court-martial at Bombay, whither he had proceeded.

We particularly solicit your attention to the letter from the Governor-General in Council, in the public department, dated 19th July last, with its enclosures.

We have thus given a short summary of the excesses of the Calcutta periodical press, during a period of upwards of 30 years, down to the date of the latest information which has been received, accompanied with a detail of the measures, both of punishment and regulation, by which they have been met by the Bengal Government.

We now proceed briefly to trace the course of proceeding at the other two Presidencies in regard to the press, with the circumstances which influenced it.

On the 12th October 1791, the directors of the Danish East India Company, at Tranquebar, complained to the Madras Government of “an insertion in the ‘Madras Courier’ of the 29th” preceding, which placed their Company “in a very prejudicial light to the public,” and requested that the offensive paragraph might be contradicted under the authority of Government. On referring to the publication complained of, it was discovered that it had been inserted among other extracts from English papers, and had not originated with the editor of the “Courier.” It was therefore suggested to the Danish Government to prepare a counter statement, which was accordingly done; and it was inserted in the “Courier” by order of the Governor in Council of Madras.

About the same time Mr. Landon, a civil servant of the Company at Madras, complained to the Government of a libel on him, which had also appeared in the “Madras Courier,” under the title of “A Chinese Anecdote.” Mr. Abbott, the ostensible editor of the “Courier,” was immediately called upon to explain how the publication in question was received, and from whom, with his reasons for allowing the insertion of it in his paper. In reply, he referred the Government to Mr. James Stuart Hall, as the real editor of the “Courier,” who, when

applied to, disclaimed all idea of the publication in question having been designed to reflect on any individual, and expressed his readiness to insert any counter publication that the Government might direct; but he omitted in his letter to state who was the author of the offensive paper. Mr. Hall's answer being referred to Mr. Landon, with a desire that he would state whether the explanation was satisfactory to him, and with an assurance that Government would order the editor to insert any paragraph he might think necessary, in order to do away the unfavourable impression the publication might have made, Mr. Landon particularly adverted to the omission, on the part of Mr. Hall, to name the author, and submitted the form of such an apology as he considered necessary to the vindication of his character. Upon receipt of this letter, the Government again called upon Mr. Hall to give up the author, which he solemnly declared his inability to do, asserting that he knew not from whom the paper was received, and repeating his assurances that he had no suspicion of its libellous tendency at the time of its publication. He was, therefore, ordered to insert an apology in his next paper, containing a statement to the foregoing effect.

On the 2d April 1795, the first number of a paper, called "The India Herald," was published at Madras, (without the authority of Government,) by a Mr. Humphreys, an unlicensed person, who, it appeared, had distributed it gratis. It appears also, that he had made an application, in September 1794, to be allowed to publish a paper at Madras, which was refused.

The above paper having contained several gross libels on the Government and on the Prince of Wales, it was resolved (the opinion of the Attorney-general having been first taken as to the legality of the proceeding) to arrest and send Mr. Humphreys to England, under the Act 33d of the King, as an unlawful trader. He defeated this intention, however, by effecting his escape from the ship on which he was embarked.

The conduct of Government towards Humphreys was entirely approved by the Court of Directors.

On the 12th December 1795, the editor of the "Madras Gazette" was prohibited from publishing copies of the General Orders of Government, until they had been submitted for the inspection of the Military Secretary.

On the 29th June 1799, it was determined that all newspapers should be submitted to the inspection of Government previously to their publication.

On the 30th November 1799, the editors were desired not to print or publish any paper, of whatever description, relative (directly or indirectly) to the orders of the Government, or to the affairs of the army, unless such paper should have been previously submitted to the consideration of Government.

In July 1807, the Bengal Government having requested that an order might be issued to the editors of the Madras papers, prohibiting them from publishing naval intelligence (except such as should be previously sanctioned by Government), an order to the editors was issued accordingly.

In August 1807, the Madras Government received from Sir Henry Gwillim, one of the judges of the Supreme Court, a printed copy of a charge which he had delivered to the grand jury at the preceding sessions, containing, as it was conceived, an attack upon the Government. On receipt of this paper Lord William Bentinck recorded the following minute: "It is necessary, in my opinion, for the public safety that the Press in India should be kept under the most rigid control. It matters not from what pen the dangerous matter may issue; the higher the authority the greater the mischief. We cannot prevent the judges of the Supreme Court from uttering in open court opinions, however mischievous; but it is in our power, and it is our duty, to prohibit them from being circulated through the country by means of the press.

"Entertaining strongly this sentiment, I would recommend that the order of Government may be given to all proprietors of printing presses, forbidding them, upon pain of the utmost displeasure of the Governor in Council, to print any paper whatever, without the previous sanction of the Governor in Council, communicated by the Chief Secretary."

A circular letter was accordingly addressed to the proprietors of the several printing presses at Madras, calling upon them to state whether they had printed the offensive charge; in reply to which, the agent of the "Madras Gazette" acknowledged that the charge had been printed at the "Gazette" printing office, at the request of the grand jury, adding, that he was not aware of having
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"acted inconsistently with former usages," and that nothing could be further from his intention than in any respect to disobey the orders of Government. The superintendents and managers of the several printing presses at Madras were on receipt of this letter desired, as recommended by the President, not on any account to publish any book or paper which might be sent to them for that purpose, without having previously obtained the sanction of the Government.

In January 1808, the manager of the "Madras Monthly Journal Press," was refused permission to publish the proceedings of the court martial on Lieutenant J. H. Close, of his Majesty's 25th Regiment of Light Dragoons, of which he had received a copy from that officer, attested by the Acting Judge Advocate-general.

In the "Madras Courier Extraordinary" of the 29th March 1808, there appeared an account of the action between the British frigate *St. Fiorenzo* and the French frigate *La Piedmontaise*, which terminated in the capture of the latter, containing some unmerited reflections on the conduct of the French commander, Captain Eperon, towards two British officers who had been his prisoners. This statement was contradicted by the Governor of Ceylon, in a letter which he directed his secretary to address to the Secretary to Government at Madras; and orders were in consequence immediately issued by the latter Government to the editors of all the newspapers to publish the contradiction. They were at the same time again desired to abstain from all observations of a nature injurious to the characters of public officers and private individuals; and further, to avoid generally the insertion of any articles of intelligence that might be connected with public affairs in India. The injurious statement respecting Captain Eperon was contradicted in the "Madras Gazette" of the 13th of April.

In January 1809, the Madras Government refused to comply with the request of Messrs. Abbott and Maitland, for permission to publish the trial of Royal Reddy Row and Ananda Row.

A few days after the embarkation of Sir Henry Gwillim, on his return to England in 1809, a proof of one of the newspapers was submitted to the Secretary to Government in the usual form, containing an address to Sir Henry from some of the gentlemen attached to the Supreme Court, with his reply. These papers, of which no copies were retained, are described as having been of the most exceptionable character, and their publication was prohibited by authority of the Government, against whose decision Mr. Marsh, a barrister of the Supreme Court, and the agent of Sir Henry Gwillim, made a strong but ineffectual remonstrance.

In 1816, intelligence (which afterwards turned out to be false) was inserted in the "Madras Courier," of the loss of His Majesty's ship *Cameleon*. Of this, and some other paragraphs calculated to wound the feelings of the officers of His Majesty's squadron, and their friends and relations, Captain Weir, the senior officer on the Madras station, complained to Government, which passed a strong censure on the editor for having neglected to submit the paragraphs complained of for revision.

In 1817, the editor and proprietor of a paper called the "Commercial Circulator," which had been prohibited from publishing any literary, scientific and miscellaneous articles, complained that a newly established paper, called "The Madras Advertiser," published articles of this description, and requested either to be allowed the same indulgence, or that the prohibition should be extended to his competitor. Orders were in consequence issued by Government, that the "Advertiser" should in future confine itself to the same articles of intelligence as the "Circulator."

In 1818, the editor of the "Madras Gazette" was called to account for having advertised a French Government lottery at Pondicherry.

In 1819, the Chief Secretary, who exercised the functions of censor of the Press, expunged, in a proof sheet of the "Madras Courier," a long political article on the affairs of Spain, of which the editor complained in terms which were deemed indecorous; but on his disavowing any intentional disrespect, the disavowal was accepted.

In the same year a proof sheet of the "Madras Gazette Extraordinary," containing an account of the proceedings of a meeting of the inhabitants of Madras, held at the Exchange on the 26th May 1819, for the purpose of addressing the Governor-General, having been submitted to the Chief Secretary, he refused to sanction the publication. The editor of the "Gazette" sent in a representation against this

refusal, pleading the accuracy of his report, and the impossibility of preventing the publication; but the Government saw no reason for calling in question the propriety of the mode in which the Chief Secretary had exercised his discretion in the instance in question.

In June 1820, Governor Elliot, before resigning the Government of Madras, recorded a Minute, in which, with reference to the state of the Indian press, he expressed himself as follows:—

“I have been subjected to much scurrility and personal abuse in the public prints, which have found protection and encouragement at Calcutta, in conjunction and in unison with certain descriptions of persons within this Presidency, who are desirous of emancipating themselves from the operations of the censorship of the press.

“Their principal objects have been to disseminate the worst political doctrines of the times; to bring the constituted authorities, both in Europe and in Asia, into contempt; to spread feuds in private society, and to provide profits for lawyers from prosecutions of libels in courts of justice.

“The resistance for some time made here to such attempts, by maintaining the censorship over the press, has drawn upon me the abuse of the ill-disposed. I trust, however, the authorities in Great Britain, whom I respect, and whose approbation I am ambitious to obtain, will not be misled by these base attempts proceeding from such contemptible sources.

“It is not at this Board that I am called upon to discuss subjects connected with the use or abuse of what is styled a ‘Free Press.’ It will be perfectly sufficient for me to observe, that when I assumed the reins of government I found the press subjected to the control of an official censor, in the person of the Chief Secretary. Whatever my private sentiments may be on this subject, I thought it my duty not to allow any change to be forced upon me, as far as it was in my power to prevent it, in a concern of such vital importance to the interests of the East India Company in Asia, without the previous orders of my Honourable employers.

“Upon this principle, as a faithful servant, I have submitted in silence to the malevolence of faction; and I now throw myself entirely upon the liberality of the Honourable Court for my justification.”

The Madras Government, in a late political letter to the Court, dated 19th July 1822, have particularly recommended to the Court’s attention a minute of Sir Thomas Munro (in which the other members of Council unanimously concurred), containing his sentiments on the danger to be apprehended from a free press in India.

In June 1791, the editor of the “Bombay Gazette” promised to pay attention to every order of Government respecting publications in that paper.

On the 28th September 1791, some severe comments were made in the same paper on the state of the police, which were considered to reflect unjustly on Mr. Anderson, the deputy of police (who had previously complained to Government). The Government, in consequence, expressed its disapprobation of the insertion of the objectionable paragraphs, and desired the editor in future to send the proof sheets of his paper to the Secretary for the inspection of Government.

In October 1791, the editor of the “Bombay Gazette” requesting that his paper (like the “Madras Courier”), might be officially and exclusively authorised by Government, promising, in that case, that no insertion should appear therein unauthorised by the Secretary to Government (to whom proofs were to be sent previously to publication). This request was complied with, and the paper denominated the Government paper.

The “Bombay Herald” having inserted a passage, purporting that Lieutenant Emmitt, then at Poona, was prosecuting his surveys, it was thought that the promulgation of such an object might be attended with inconvenient consequences; the editor was therefore sent for, and directed in future to send the proof sheet of his paper to the Secretary, for the inspection of Government, according to the rule observed by the editors of the other papers.

In September 1792, the proprietors of the “Bombay Gazette” represented the heavy expenses they had incurred, in order to render their paper subservient to the purposes of Government, and the numerous difficulties they had to encounter. On these grounds they solicited the exclusive patronage of Government. Their request was complied with, and a declaration ordered to be published, that the
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insertion in the "Bombay Gazette" of the Board's orders and resolutions was to be considered a sufficient notification thereof to any servant of the Company.

In July 1802 the proprietor of the "Bombay Gazette" was censured for inserting the advertisement of an intended publication of the trial of Mr. Bellasis for murder, and directed to make a public apology for the same in his next paper, on pain of forfeiting the Company's protection, and of an immediate stop being put to his press.

The proprietor expressed his regret for the insertion of the advertisement, which he said had been sent to the office by one of the advocates employed in the cause, with the alleged concurrence of the parties concerned, and an apology was afterwards inserted in the "Gazette," in obedience to the orders of Government.

The advocate strongly objected to the insertion of the apology, in which it was stated that the "work advertised was compiled under the influence of individual prejudice." The editor, in reply, stated that Government insisted on the insertion of the apology as it originally stood, and that therefore he must insert it.

In December 1804, Mr. Hallet, the editor of the "Bombay Courier," proposed to Government to resign the management of that paper to Messrs. William Erskine and Edward Nash, and the proposition was accepted.

The new editors had almost immediate occasion to apologise for the insertion in their paper of an article which had not received the previous sanction of Government.

In January 1805 the editor of the "Bombay Courier" apologised for having, from press of time, inserted an article without having previously submitted it for the inspection of Government, and promised not to offend in like manner again.

In July 1807 the editors of the Bombay papers were directed (in obedience to the instructions of the Supreme Government) not to publish articles of naval intelligence, except such as should be sanctioned by Government.

In 1810, Mr. Fearon having signified to the Chief Secretary that the "Bombay Gazette" had been transferred to him by Mr. Macklin, it was notified to Mr. Macklin that he should not have made the transfer without the assent of Government.

On the 29th December 1811, Government ordered the editor of the "Courier" to be informed, that an advertisement in that paper of a sale of certain premises on a Sunday was considered extremely objectionable; they, therefore, directed him in future to refuse admission to advertisements of sales intended to take place on Sundays.

In December 1819 the regulations established in 1818, for the conduct of the press in Bengal, were introduced at Bombay; but in the Minute proposing this measure Mr. Elphinstone recommended "that the warning regarding the measures to be adopted in case the regulations were infringed, should be so strong and explicit as to justify prompt and severe examples if those regulations should be disregarded."

From the foregoing review it appears that from 1791 to 1799 the Bengal Government limited its interference with the press in India, in cases of venial offences, to expressions of its disapprobation, and to requisitions of apologies from offending editors; that in two cases of aggravation it exercised the power with which it was invested by law, of sending the offenders to England; and that in one instance it suspended the offending party from the Company's service; that the Calcutta press was subjected to a censorship in 1799, and remained subject to that check till 1818; and that during that period no case had occurred which it was found necessary to visit with the severe displeasure of Government; that the censorship was removed in 1818, and that instead thereof rules were laid down for the conduct of editors of journals; and that ever since, the restrictions then imposed have been set at nought, and the Government has been involved in an almost constant but unsuccessful conflict with an individual editor, it having failed in one prosecution, and declined exercising its power of sending him home, because of other prosecutions which have been instituted against him in the Supreme Court. It further appears that one instance had occurred, previously to the introduction of the censorship at Madras, in which the Government had found it necessary to order an editor of a paper to Europe; that the censorship has not yet been removed by the Madras Government; and that at that settlement, so far as is known, the press causes neither

uneasiness to Government nor disturbance to the community; but that the Madras Government, with reference to what has been done elsewhere, and to the general agitation of the question, have lately represented to the Court, in the strongest terms, the impolicy and danger of liberating the press from the most absolute control. And, lastly, it appears that at Bombay, where the censorship was imposed as early as 1791, no case had occurred under its operation against which the Bombay Government thought itself called upon to proceed with severity; but that in December 1819 the censorship was taken off, and that the same regulations for the conduct of the press were established at Bombay as in Bengal.

We fear that the foregoing detail may have been found somewhat tedious, (more particularly as the proceedings which have been adverted to are given at length in the accompanying Appendix); but we have been desirous, in the summary which has been given, to lay a groundwork of facts, for the considerations which we are now about to submit. ✓

The advocates of a free press in India rarely express themselves with much discrimination or precision; but it is to be supposed that, by a free press, they mean the right of every individual, native as well as European, publicly to discuss every subject, political, moral, and religious, with as much freedom as is done in this country. It is to be supposed also, that, in pleading for this degree of freedom they are actuated by a conviction that much benefit will result from it, either to the European or to the native part of the population, or to both, and that this benefit may be obtained without danger to the Government, or risk to the connexion between India and Great Britain.

The European population of British India consists of three classes: the civil and military servants of the Company, and the officers and soldiers belonging to His Majesty's and the Company's European regiments stationed there; the members (not numerous) of mercantile houses and European shopkeepers established chiefly at the three Presidencies; and a class of adventurers who have gone thither with or without permission, many of whom are ready to embark in any pursuit which offers the prospect of affording a livelihood.

1st. With respect to the civil and military servants of the Company, and King's officers and soldiers, the duty at all times incumbent on them of supporting the Government, and setting an example of alacrity in its service, and prompt obedience to its orders, is wholly incompatible with the right of canvassing its measures. In no country is the military a deliberative body; and as respects the civil service, there can be no greater absurdity than to constitute the subordinate officers of Government censors of the public acts of their superiors. The opportunity, however, which a free press would afford to every one of stating his grievances, and of giving vent to his dissatisfaction, would probably serve as a trap to the inexperienced and unwary in both branches of the service; and young men, who imagine that they had cause to complain, either of their immediate superiors, or of the Government, would be tempted to come forward with an exposition to the public of supposed slights and injuries. The want of society in many situations would favour this disposition to complain, and hence there is reason to apprehend the prevalence of a practice which would be quite fatal to the discipline of the service, and, in cases of detection, to the interests of the individuals resorting to it. It appears from the summary of facts already given, that in 1798, before the imposition of the censorship, a military officer was compelled to quit the service for publishing a letter in a newspaper; that in 1820, since the removal of the censorship, another military officer was severely reprimanded by the Commander-in-Chief; and that only a few months ago a Lieutenant-colonel in a King's regiment was ordered home for the same offence. Indeed, the following general order, published in the "Calcutta Gazette" of the 13th June last, shows that the practice in question has unfortunately already become too common:—

"Head Quarters, Calcutta, 8 June 1822.

"The Commander-in-Chief has observed, with great dissatisfaction, a practice indulged by officers, or by persons assuming that character, of addressing anonymous complaints to the public, through the newspapers, respecting imagined professional grievances. It is visible the reader cannot assure himself that any particular case so stated is not fallaciously represented through the inexperience, the miscomprehension, or the perverse view of the writer; consequently the appeal

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is essentially devoid of any possible utility. But it is obvious that in this procedure the legitimate sources of redress are neglected, so that the purpose must be to give a general impression of inattention, oppressiveness, or injustice in those with whom the superintendence of such concerns is lodged. The extreme mischief and improbity of these endeavours have probably not been perceived by the writers, whom the Commander-in-Chief is willing to regard as having yielded only to a momentary inconsiderateness. The habit, however, of an officer thus casting off his just and requisite dependence on his military superiors must not be permitted. The Commander-in-Chief, therefore, in the strictest manner, prohibits officers from sending to the newspapers any such anonymous representations as are above described. Should a letter of that nature henceforth be traced to any officer (and means will be taken to make the discovery almost inevitable), the Commander-in-Chief will immediately submit to the Governor-General in Council the necessity of suspending the individual from duty and pay, while a solicitation is made to the Honourable Court for his entire removal from the service."

2d. It is not less difficult to perceive what benefit could accrue from a free press to the class of respectable European merchants established in India, whilst it is easy to see why this, in common with other classes, have an interest in the press being subjected to proper regulations. Their time is much occupied with business; and the taste for political intelligence, where it exists, may find the ready means of gratification in the perusal of English newspapers and other periodical works. The social circle in which they move, being circumscribed, is easily disturbed, and in such circumstances everything, whether in the shape of personal allusion or of general remark, tending to create political differences, produces a degree of uneasiness and agitation, of which it is difficult for persons living in an European capital to form an adequate conception. It is no answer to this to say that the evil will carry its own remedy along with it, and that few persons will continue to subscribe for publications which disturb the harmony of society. The passions of men, taken in the aggregate, are too strong for their reason, and every day's experience shows, that though there is not a less defensible, there is not a more effectual mode of giving extensive currency to a journal than by enlisting on its side the worst propensities of our nature.

3d. To the class of adventurers, whether licensed or unlicensed, who are unemployed, whether from choice or necessity, a free press might indeed furnish amusement or occupation. But the taste of such as are idle from choice is not to be consulted, nor is it a matter of public concern to provide for those who proceed clandestinely to India. Persons who go to India with a license have, in almost all cases, the prospect of obtaining a subsistence in another way; still it is probable that the conduct of the press in India would fall into the hands of this class were periodical publications to be indefinitely multiplied. To cut off from those already there, an employment which they never contemplated, cannot be deemed the infliction of a hardship. To encourage, by new inducements, an influx to India of Europeans not in the Company's service would be a departure from the policy which has been hitherto observed in maintaining the connexion between the two countries; and, without meaning to speak disparagingly of this class, it is not composed of persons qualified by their literary attainments to conduct the press to advantage; neither is there a sufficient security in their characters against its being converted into an engine of great mischief.

It would be altogether unfair, and were it fair, it would be utterly impracticable, to confine the liberty of the press in India to works printed in the English language. The fact of four newspapers being now published in Calcutta in the native languages, all of which have been established since the removal of the censorship on the English journals by the Bengal Government, is a practical proof of the futility of the notion (if such be entertained in any quarter) of establishing a monopoly of the press in favour of Europeans. It is not to be inferred, however, because the natives will certainly imitate us in free discussion, that they would have set us an example in that way, much less does it follow that they will benefit from the introduction of this novelty. We think, on the contrary, it can be made to appear, that whilst a free native press could be productive of little or no advantage, it might prevent the accomplishment of much good, and occasion infinite mischief.

The native population is composed of two classes, the one of mixed, the other of unmixed blood.

The descendants of European fathers by native mothers constitute the first class, or what is generally termed the half-caste. This class, from its rapidly increasing numbers, its physical and intellectual superiority over the natives of unmixed blood, and the impediments to its merging in the Hindoo, the Mahomedan, or the European population, cannot fail to become (and this at no very remote period) a source of great anxiety to the Government of India. It would not be easy satisfactorily to state all that might be practicable, and at the same time expedient, for improving the condition of this class, and rendering it a useful body in the community. It is much easier to state what ought not to be done in regard to it. All, at least, will concur in this, that nothing should be done to render it dangerous. To avoid this no facility should gratuitously be afforded to it, either of annoying the Government, or of acquiring an ascendancy over the great mass of the native population; and as a free press (already to a certain extent in their hands) would enable the half-caste to do both, nothing is more to be deprecated than giving them unlimited command of the means of compassing these most undesirable ends.

Considering the question of a free press with reference to the native population generally, it is impossible to come to a right conclusion without constantly bearing in mind the difference between the character of the Indian Government, and the character of those governments under which freedom of discussion is admissible.

A free press is a fit associate and necessary appendage of a representative constitution. Wherever a government emanates from the people, and is responsible to them, the people must necessarily have the privilege of discussing the measures of the Government; and wherever the people choose representatives to make laws affecting their persons and property, the right of animadverting on the mode in which this trust is discharged belongs, of course, to the party delegating it; but in no sense of the terms can the Government of India be called a free, a representative, or a popular government; the people had no voice in its establishment, nor have they any control over its acts.

Under a free government the press is at once the organ of expressing, and the instrument of enlightening and influencing public opinion; but in India public opinion cannot be said to exist. The advantages to the governed produced by public opinion in other countries, under a free government, are in some measure secured to the people of India by a chain of responsibility and a gradation of checks, extending from the lowest executive officers in the service, through the local governments and the constituted authorities at home, to the British Parliament, and through the Parliament to the people of England. The regulations of the Indian governments, under which taxes are levied and justice is administered, are not only promulgated in India, but are regularly sent home and laid before Parliament. Every communication which takes place in India upon every public measure is placed upon record; and complete diaries of the proceedings of the local governments, in every department of administration, being annually transmitted to the Court of Directors, the fullest information respecting those proceedings, as well as the proceedings at home to which they give rise, are at all times accessible to the public of this country through their representatives in Parliament; and the Indian governments thus become amenable, in the last resort, to a public far more enlightened than the Indian public, and accustomed, by the enjoyment of popular rights, to view with exceeding jealousy measures originating in absolute power.

The governments in India exercise a delegated authority, derived from the Court of Directors and the Board of Control. The Government of India resides in this country, and is of course responsible to the English public, in common with the Government of England. It is in this country, therefore, and not in India, that its measures ought to be discussed.

There is indeed a wide-spread and deep-rooted opinion in India to which we owe much of our success, and the extinction of which would portend the approach of great calamity, namely, the opinion entertained by the natives of our vast superiority and irresistible power. This impression, more perhaps than any other cause, has aided the establishment and diffusion of our dominion in India; and the great advantages which have resulted therefrom to the natives, whose situation under the British Government has been pronounced by a Select Committee of the House of Commons "to be infinitely superior to what it was under their Mahomedan rulers," is justly ascribed by the Committee "to the vigour, the

the efficiency, and, if the expression may be allowed, the unity of its authority, which neither acknowledges nor permits divided sovereignty, but which keeps every other power in subordination to its own." But can it be doubted that the respect of the natives for our authority would be greatly diminished, and the energy of the Government impaired, by a free press? What a change must the native mind undergo when they see those, whom they have been accustomed to regard as the masters of mankind, engaged in exposing their mutual foibles, misinterpreting measures about which they are only half informed, detracting from each other's merits, and denouncing delinquencies where none have been committed! What must the natives think of themselves and of us when they behold that power, which has overthrown mighty empires and subjugated great nations, descending to measure its strength with the editor of a newspaper, and forced to retire baffled and beaten from the conflict? How can a government devote its undivided energies to the great interests of the State when it permits itself to be daily harassed and irritated by the attacks of journalists; or how can it preserve unity and vigour of action when the press becomes at once its rival and opponent?

Causes, for the most part unavoidable, have been in operation for a series of years, tending gradually to raise the natives in their own estimation, and to lower their opinion of Europeans. The liberal spirit of the British Government embodied in its institutions, the increase in the number of Europeans residing in India, the disparity in their characters and attainments, and the familiarity occasioned by closer and more frequent intercourse between them and the natives, have doubtless contributed to this change. But as the effect is matter of regret, not of congratulation, it is surely impolitic unnecessarily to assist the silent and almost imperceptible workings of the causes which have produced it, by the application of a new power, better calculated than any other both to magnify and accelerate this result. And if a period could have been selected more unfavourable than another for an experiment tending in any degree to paralyse the strength of the Government, and to increase its difficulties, it was that immediately following a war, ending in an immense extension of territory, and corresponding accession of new subjects, with whom it has yet to make itself acquainted, and to whom it was manifestly desirable that it should, at the commencement of its rule, exhibit itself in an attitude at once engaging and imposing.

Some well-intentioned persons may be of opinion that by establishing freedom of the press in India we should powerfully contribute to improve the moral, intellectual, and social condition of the natives. Could we assure ourselves that this would be the certain result, it would undoubtedly be impossible to dissent from the conclusion, that, as it is the first duty of the Government of India to do all the good it can to those who live under it, a free press ought to be employed as an instrument of good.

With such persons it is necessary to come to a proper understanding as to what is meant by a free press in India. Nobody, we believe, contends for excluding the people of India from a knowledge of moral and religious truth, from an acquaintance with the history of any part of the world, from the benefit derivable from the latest improvements in the arts or sciences, or from any species of useful learning: on the contrary, the Legislature has made provision for supplying them, to a certain extent, with the means of moral and religious improvement; and the Court of Directors have been, and will always be, most anxious to give effect to, and second by every prudent endeavour, the benevolent intentions of the Legislature. But though newspapers and other periodical works are most numerous where the press is subject to the least restraint, it cannot be admitted that they are the best vehicles of conveying instruction. Very little would be known in a country where there were no other means of obtaining knowledge than periodical journals, and it is easy to conceive a people far advanced in the substantial and useful parts of learning without the ministry of such instructors. Their general aim is to gratify the curiosity rather than to enlighten the understanding; to excite the passions rather than to exercise the reason of their readers. Sir Thomas Munro justly observes, that the grand object of improving the moral and intellectual character of the people of India is not to be attained by "the circulation of newspapers and pamphlets among the natives immediately connected with Europeans, but by spreading education gradually among the people, and diffusing moral and religious

religious instruction through every part of the community." "By mild and equitable government," he proceeds; "by promoting the dissemination of useful books among the natives, without attacking their religion; by protecting their own numerous schools; by encouraging, by honorary or pecuniary marks of distinction, those where the best system of education prevails; by occasional allowances from the public revenue to such as stand in need of this aid; and, above all, by making it worth the while of the natives to cultivate their minds, by giving them a greater share in the administration of the country, and holding out the prospect of filling places of rank and emolument, as inducements to the attainment of knowledge, we shall by degrees banish superstition, and introduce among the natives of India all the enlightened opinions and doctrines which prevail in our own country." Whatever good is brought about in this way will be effected gradually, so that by observing the progress of knowledge we shall be able to meet it with suitable changes in our institutions. But Sir Thomas Munro truly observes, that ill-judged precipitation, and attempts to effect in a few years what must be the work of generations, may not only frustrate all the benefits which might have been derived from a more cautious and temperate proceeding, but produce general insubordination, insurrection, and anarchy, and terminate in our compulsory abandonment of the country. The grounds of this opinion are stated forcibly and at length in the Minute of the Governor of Madras, and we doubt not that they will obtain from His Majesty's Government all the attention which is due to them from Sir Thomas Munro's long residence in India, his intimate acquaintance with the native character, and that sagacity which he possesses in an eminent degree. It is impossible to suppose that a foreign government, however strong and beneficent its character, should not be obnoxious in some degree to those who live under it. It is humbling to the pride of the people; and where they differ, as in India, in religion, in language, in manners, in colour, and in customs, from those who administer the government, there cannot be much sympathy or attachment between them. Though the situation of the large body of the people may now be greatly better on the whole than it was under their native governments, there are not a few, particularly among the Mahomedans, who have suffered from the change. These, we may be sure, will always be ready to avail themselves of any opportunity for retrieving their fortunes, and we know not that they could desire a more efficient auxiliary than a licentious press, labouring daily to extinguish all respect for our character and government in the minds of their countrymen. The tendency and effect of our system, too, has been to beget in the minds of the people at large a respect for themselves, and notions of their own importance, which makes the task of governing them a more difficult one than it was when they first came under our rule.

But the delicacy of our situation in India cannot be well understood without special advertence to the circumstance of the Government being dependent in a great degree for its security on a native army, which, though better paid, with reference to the wages of labour, than any other army in the world, contains in its organisation some elements of discontent. The exclusion of the natives from its higher ranks must necessarily be a source of heartburning to men of family and ambition; and when a sense of mortification is united with a spirit of enterprise, their joint workings are not easily daunted or repressed. It may be difficult to retain the fidelity of men of this description, with all the care and caution that can be exercised; but it would appear to be either a lamentable infatuation, or unpardonable rashness, to allow them to be goaded on to revolt, by means over which we possess or may obtain control. Whatever English newspapers are published at the Presidencies will naturally find their way to the principal military stations. Many of the native officers can read and understand English, and by means of the native servants of the European officers it will not be difficult for them to obtain the perusal of those papers, containing a perhaps exaggerated representation of their grievances or an inflammatory incentive to rebellion, which, from their assemblage in garrisons and cantonments, they have better means of concerting than any other portion of the population.

On these topics, however, we think it unnecessary to enlarge, persuaded as we are that when the question comes to be properly understood, the establishment of a free press in India will not be either advocated or desired by any considerable body of men in this country, and much less that it will be countenanced by an enlightened government. But when the question of the unrestrained liberty of
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the press is disposed of in the negative, there remains another question to be considered, namely, what restraints ought to be imposed upon it?

The law of libel is the same in India, within the jurisdiction of the King's Courts, as in England. But, considering how very differently in many respects the Government of India is circumstanced from that of England, there are publications safely permitted here which there would be extremely dangerous. The Government of England, the growth of many centuries, having struck its roots deep in the affections, interests, and habits of the people, and being identified with their individual feelings, domestic enjoyments, and social security, stands unmoved by the shock of clashing opinions and the occasional onsets of a small and hostile minority. The situation of the Government of India is widely different. It is a stranger in the land where it wields its sceptre; its authority, but of yesterday, was acquired and is preserved by means apparently very inadequate to the result; and, without the utmost caution as well as vigilance, it may disappear still more suddenly than when it started into being and rose to greatness. But the law of libel, though the same in London and Calcutta, will operate very differently in the two capitals as a curb on the licentiousness of the press. In this metropolis the sensation produced on the huge mass of its population by a libel, and the prosecution consequent upon it, when such takes place, is hardly perceptible beyond a very limited range; and the difficulty of finding an impartial jury to decide on the merits of the case must be proportionally small. On the other hand, in Calcutta the European inhabitants scarcely exceed in numbers the population of an English village or small town, and the state of society in the two communities is not very dissimilar. If in such a community a libel is published, scarcely a person can be found who is not more or less connected with the individual libelled (if it be a private libel), or with the author or publisher of the libel; and if a libel on the Government appear, it is not less difficult to find an unbiased jury to try it. In England, by what is termed "changed the venue," the trial of an offence can be transferred from a county where strong prejudices are supposed to exist to another county where an impartial verdict may reasonably be expected. But in India it is impossible to resort to this expedient, because the jurisdiction of the King's Courts is confined to the three Presidencies. Neither has the Company's Advocate-general the power possessed by the King's Attorney-general in this country, of filing criminal informations *ex officio*; and there is even a difference of opinion on the bench at Calcutta as to the power of the Supreme Court to grant a criminal information.

The Bengal Government, after having in vain, and on various occasions, had recourse to admonition, expostulation, and censure, in January last caused legal proceedings to be instituted against Mr. Buckingham, but the Supreme Court refused to grant a criminal information, although the publication for which he was prosecuted had previously been pronounced by the Advocate-general, in his communications with Government, "in the highest degree illegal and mischievous, and an attempt to overawe and disturb the administration of justice." Such, indeed, was Mr. Spankie's opinion of the publication, that he declared "he could not entertain any doubt that a jury would convict the offender, as he could not conceive that any honest man could doubt its criminal intention and mischievous tendency." Whether the proceeding by indictment was subsequently resorted to in that case, the Court are not informed; but it is known, though not officially, that Mr. Buckingham was brought to trial in January last, on an indictment found against him by the grand jury, for a libel on the Secretaries of Government, and that he was acquitted.

Never until now, so far as appears from the records, have the Indian Governments resorted to prosecutions in the King's Courts for the purpose of checking the licentiousness of the press, because they had within their own power more effectual means of restraining its excesses.

Over their own servants their power is of course complete, and resident Europeans not in the Company's service, the Governor-General, and the Governors at the two subordinate Presidencies, have the power of sending to Europe, when they have so conducted themselves as, in the judgment of the Governor-General or other Governors, to have forfeited their claim to the countenance and protection of Government.

In the exercise of the powers vested in them, the Indian Governments prescribed to European editors of papers such conditions of publication as appeared

to them wise and salutary ; and the condition has always been, down to this day, submission on the part of the editors to certain regulations for their conduct in that capacity. Those regulations have, at different periods, been more or less restrictive ; and it has been shown that the submission of the proof sheets of newspapers to a confidential officer of Government, for revision previously to publication, formed one of those regulations in Bengal from 1799 to 1818 ; that it was adopted in 1799 at Madras, where it still continues in force, and that it existed at Bombay from 1791 to 1819.

It is to be regretted that the reasons for abolishing this regulation in Bengal have not been recorded. It has been said that the Government, finding that it could not be enforced against half-caste and other native editors, did not deem it advisable to continue to require submission to it from European editors. But besides its being an insufficient reason for doing away a salutary regulation, that there was a possible evil which it did not reach, this can hardly have been the ground on which the Government proceeded, because at the very time when this regulation was repealed others were enacted, which Government could no more enforce against native editors than it could that which had been abrogated. Neither could it have been the intention of the Bengal Government, by annulling the censorship, entirely to emancipate the press from all restraint, for the regulations which were then imposed would, if obeyed, at least as effectually have prevented free discussion as the operation of the censorship.

The inconveniences and advantages of the censorship may be briefly stated as follows :—The office of censor is an invidious and troublesome one. To a rigorous performance of the duties belonging to it some odium will ever attach, and a negligent performance of these duties produces inconvenience of a different sort. As the time necessary for a careful revision of every newspaper cannot always be spared, paragraphs will sometimes be overlooked which it would be desirable to suppress ; and Government becomes in some degree responsible for the contents of newspapers published with its cognisance and sanction.

On the other hand, experience has shown, that, as far as its operation can be made to extend, the censorship is a more efficient check than any other upon the excesses of the press. It has also the great recommendation of preventing offences instead of punishing them. Considering that deportation is the only punishment (that which may result from legal prosecution excepted) in the power of the Indian Governments to inflict on the criminal licentiousness of the press ; that such a proceeding has an arbitrary character, the Governor who resorts to it acting in the threefold capacity of accuser, judge, and executor of his own sentence ; that it is a punishment which may be attended with complete ruin to the object of it ; that it is not susceptible of any mitigation ; in short, that it is the same in all cases, however different be the degrees of delinquency in each, and that therefore there must be strong repugnance to resort to it ; an expedient preventive of those offences which call for the infliction of such a punishment has claims to peculiar favour.

Indeed, the benefits resulting from the censorship cannot better be illustrated than by a reference to the state of things in Bengal subsequently to its abolition. Scarcely a month has passed without complaints on the part of Government, or of individuals, of the licentiousness of the press ; the disapprobation of the Governor-General in Council has been signified to one individual editor in every form and tone of reproof ; threats of deportation have been held out to him ; prosecution has been resorted to, and failed ; and other prosecutions, still pending, have been alleged as a reason for not executing the previous threat of deportation ; the settlement is agitated, and the Government is evidently embarrassed. All this, it is presumable from former experience, might have been prevented by the censorship ; but all this has taken place under a code of restrictions, the violation of which the Governor-General has not punished with the only penalty which he is empowered to inflict.

One thing is obvious, that the system, whatever it may be, should be uniform, and that the censorship ought not to continue in force at one Presidency after it has been removed at another. A local censorship will be worse than useless ; for not only will the paragraphs expunged, for example, at Madras, be published at Calcutta, but they will be published as rejected paragraphs, with strictures by the Bengal editor on the conduct of the Madras censor.

The objections to having recourse to the general re-establishment of the censorship remain to be considered.

It

It is objected, first, that, though the removal of the censorship is to be regretted, yet as it has been abolished, it is inexpedient to restore it; and, secondly, that as this check is applicable only to European editors, it will not reach the excesses of the presses when conducted really or ostensibly by half-caste or other natives.

* The first objection, that the step having been once taken cannot with propriety be retraced, possesses, when examined, very little weight. It is the part of magnanimity and true wisdom, under a conviction of having taken a wrong course, to recede not to proceed. The Bengal Government has recorded a confession in pretty distinct terms, that it has erred in removing the censorship, and, in some of the minutes of the Members of Council, which have been referred to in a preceding part of this communication, there is to be found something like an indication of a wish to be extricated from the embarrassment consequent on the error which they have committed. By the change which is about to take place in the government, the feelings of some of the individuals now composing it would be spared the awkwardness of retraction. And should it not be deemed expedient to expose the new Governor-General to the unpopularity which might attend a return to the former system, the Court, who have always disapproved of the change, would be prepared to take upon themselves to order the re-establishment of the censorship, and to instruct the local Government to give publicity to their orders, not doubting that the Governor-General would so avail himself of the powers vested in him by the Legislature, as to give effect to the Court's intentions. The momentary clamour which might be excited by such a proceeding, it is hoped, would soon subside, and all the reflecting part of the community would ascribe it rather to the failure of a liberal experiment, than to any illiberal principle of policy, or to a wavering and undecided temper. But whatever unpopularity might ensue, it would be but a trivial consideration when compared with incurring the guilt, not merely of placing the British interests in India in imminent peril, but of betraying the cause of general civilization and humanity.

With respect to the second objection, that the censorship cannot be extended to journals edited by half-caste and other natives, and that no check would be thoroughly efficient which does not apply to them as well as to European editors; it may be replied, that it is not reasonable to abstain from applying a palliative to an existing evil, because we cannot cure it altogether; that the evil so justly complained of at present, does not proceed from the European press, and that by showing the determination of the Government to check the excesses of the latter, the former may be deterred from passing the limits of moderation. In the event of the native press requiring some more effectual restraints than can be imposed upon it under the existing law, it will be necessary to apply to Parliament to enlarge the powers of the Government. Were the local Governments empowered to grant and withdraw licenses to printing presses, and to put down any press printing with a license, such a check would be universally applicable, and would even supersede the necessity of the censorship. It will be for the consideration of his Majesty's Government, whether it will be more expedient now to apply to Parliament for such a remedy, or to delay the application until the necessity of it shall be more clearly demonstrated by subsequent events. But if the more comprehensive check be not immediately applied, the necessity of applying the more limited one is only the more obviously urgent.

We are, &c.
(signed) *J. Pattison.*
W. Wigram.

East India House,
17 January 1823.

LETTER from the Right Honourable *C. W. Williams Wynn* to the Chairman and Deputy Chairman of the East India Company.

Gentlemen,

East India Office, 5 April 1823.

I HAVE to acknowledge the receipt of your letter of the 17th January last, upon the subject of the licentious state of the press in India, and have the honour to inform you, that his Majesty's Ministers, though deeply sensible of the weight and importance of the considerations which you have pressed upon their

attention, do not think that, under all the circumstances, it would at present be advisable to submit to Parliament any measure for extending the authority of the Indian Governments to check this abuse.

I have, &c.
(signed) *C. W. Williams Wynn.*

Legislative Department, dated 1 February (No. 1) 1836.

Our Governor-General of India in Council.

Para. 1. WE now reply to your letter, in the Judicial Department, dated the 18th May 1835, in which you refer to us the proceedings relative to an Act of the Indian Legislature, for removing all restrictions on the press. The Act was read in Council on the 27th of April, was published in the "Gazette" two days after for general information, and was to be read again on the 1st of August, with a view to being passed into a law.

2. This proceeding is in opposition to all our previous orders, to the solemn decisions both of the Supreme Court at Calcutta and of his Majesty's Privy Council, delivered, in both cases, after full arguments on both sides of the question, to the recorded opinions of all preceding Governments of Bengal, Madras, and Bombay, and more especially to the carefully considered measure of Lord William Bentinck and Sir Frederick Adam, for extending the Licensing Regulation to Madras.

3. We are compelled to observe, that this proceeding must be considered the more unjustifiable, inasmuch as it has been adopted by a government only provisional; and also, when a commissioner for framing a code of laws for the three Presidencies, was about to commence its important labours.

4. We must further remark, that, after an attentive perusal of the minutes recording the opinions of the Governor-General and of the Members of Council, we find no sufficient reasons assigned for the step now taken, nor any facts whatever brought to our notice upon which we might be enabled to form a right judgment. We look in vain for any detailed account of the actual condition and character of the press, whether British or native. We have no statement of the aggregate number or individual sale of the respective newspapers, of the general or particular mode in which they are conducted, of the influence, whether increasing or decreasing, which they may be said to exercise over the British and Indian community. Instead of such obviously indispensable information, we are furnished only with the dogmatical assertion of certain principles which may be admitted, and indeed, are never denied with reference to one state of society, and which amounts to mere idle declamation when applied to another.

5. Nor do you allege the existence of any real grievance, the redress of which might justify your proceeding. On the contrary, your Legislative Councillor informs us that "the newspapers have for years been allowed as ample a measure of practical liberty as that which they enjoyed in England," and the only apprehension entertained seems to be, lest the due influence of Government should be weakened by incurring odium for a law never put in force, an apprehension arising from no facts with which you have made us acquainted, and prompted, as it would appear, rather by an unwise desire for temporary praise than a fear of just and lasting blame.

6. We have, moreover, to remark that two of the Members of your Council anticipate much danger from removing the restrictions from the native press, and give indeed to the new measure a consent, if not reluctant, at least entirely at variance with the whole tenor of their arguments. Even your Governor-General and your Legislative Councillor, with whom the proposal seems to have originated, contend for the safety of withdrawing the licensing system, principally on the ground that the same, or any other mode of suppressing at once a mischievous publication, may at any time be adopted by a sudden and summary proceeding of Government. So that in fact the liberty of the press will still be dependent upon the opinions and dispositions of those who happen to compose the Supreme Council, and whose apprehensions of danger, whether well or ill-founded, will be a sufficient justification for the exercise of that arbitrary authority,

authority, which it is the alleged object of your proposed Regulation to dispense with altogether. And admitting the facility of resuming, on an emergency, a power thus abandoned (which, however, in common with one of your Council we are much inclined to question), we should predict that your apparent liberality would be productive of no beneficial results either to the subjects or the rulers of India. The one would not in reality be more free, nor the other except for a moment, be more beloved.

7. We deem it to be wholly unnecessary to examine the details of the law by which you propose to substitute legal responsibility for the present licensing system. Some such law would, it is obvious, be requisite were the change you contemplate to be finally determined upon, and even without abandoning the licensing system, some of the provisions of the proposed enactment might, perhaps, be framed into a useful Regulation quite compatible with a reserved power to deal summarily with such offences of the press, as could not be reached by ordinary legal process. But the main question now before us relates to the abolition of the licensing law; and, without entering upon general arguments upon a point so frequently discussed, it is sufficient to repeat that no just grounds, nor indeed scarcely any grounds at all, appear on the face of your minutes, to reconcile us to the change in contemplation.

8. In cases of emergency much discretionary power must be and always has been allowed to your Government. But in this instance no emergency, no cause for prompt interference is shown, or even pretended to exist, and if we were inclined to approve of your measure, we should nevertheless consider your conduct as wholly indefensible for taking a step of such importance without previous reference to the home authorities.

9. We should, then, be prepared at once to avail ourselves of the power entrusted to us by Act of Parliament, and disallow your new law when passed, were we not aware that the immediate repeal of such a law, however ill-advised and uncalled for its enactment may have been, might be productive of mischievous results. We shall therefore wait for the deliberate advice of the Governor-General in Council after the arrival of Lord Auckland, your present Governor-General, before we communicate to you our final decision. But you are in possession of our sentiments, and we shall not be sorry to find, that by returning to the former system you have rendered our interference unnecessary.

(signed) *W. S. Clarke.*
T. R. Carnac.
&c. &c.

East India House, 1 February 1836.

EXTRACT Public Letter from India, dated 18 June (No. 54) 1857.

9. WE desire to draw your Honourable Court's attention specially to an Act (No. XV. of 1857), which was passed in the Legislative Council on the 13th of the present month, "to regulate the establishment of printing presses, and to restrain in certain cases, the circulation of printed books and papers. The circumstances which led to the passing of this law, will be gathered from our resolution of the 12th instant, and the extracts from certain native newspapers therein referred to, your Honourable Court will perceive that the law officers of the Government have been directed to take the necessary steps for bringing the printers and publishers of the "Doorbeen," the "Sultan-ul-Akhbar," and the "Sumachar Soodaburshan," to trial before the Supreme Court, on a charge of publishing seditious libels.

10. Your Honourable Court will already have received from the Military Department the narrative of events furnished by the Lieutenant-governor of the North Western Provinces, under date the 22d ultimo. We have requested the Lieutenant-governor to furnish us with a complete narrative of the recent events in those provinces, and in future to forward to us regularly, until further instructed, a weekly narrative, for transmission to your Honourable Court, by each mail, but owing to the communication between Agra and the Presidency being at present interrupted, there will probably be some delay in the receipt of the required narratives.

Vide public letter
to Court, No. 47
of 1857, dated the
1st June, para. 2.

11. Copies of a Hindee translation of the resolutions passed by the British Indian Association, upon the subject of the mutiny of the sepoys in the North Western Provinces, have been forwarded to the Commissioners of the Patna, Bhaugulpore, and Hazareebaugh divisions, for distribution within their several jurisdictions.

Home Department, No. 60 of 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to the 9th paragraph of our letter, No. 54 of 1857, dated the 18th June, we have the honour to transmit, for your Honourable Court's information, a copy of a letter addressed under date the 29th ultimo to the Government of Bengal, respecting an objectionable article which appeared in the editorial columns of the "Friend of India" newspaper of the 25th idem.

We have, &c.
(signed) *Canning.*
J. A. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 1 July 1857.

EXTRACT Public Letter from India, dated 4 July (No. 62) 1857.

22. HAVING taken this opportunity of explaining generally and at length the reasons for which we think the temporary Licensing Act necessary, the objects which we had in view when the Act was passed, and the spirit in which we proposed to carry it into execution during the present critical state of affairs, we proceed to report two cases in which we have thought it our duty to act under the authority which this Act gives us.

23. The first of these is the case of the "Friend of India" newspaper. This paper, after the conditions imposed upon the press had been promulgated, and a licence, subject to those conditions had been granted to it, published an article which in our opinion infringed every one of those conditions. The position of affairs at the time was most anxious. The Bengal native army was in mutiny; the North Western Provinces were for the moment lost; the king of Delhi and our treacherous sepoys were proclaiming a new empire; small bodies of gallant Englishmen were holding out for Government in isolated stations against fearful odds; the revolt was still extending, and the hearts of all Englishmen in India were daily torn by accounts of the massacre of their brethren, and the massacre and worse than massacre of their women and children. Of this disastrous and extraordinary revolt the only one of the causes that is quite certain is, what appears to us almost an insane, but what is not the less a rooted and universal persuasion in the minds of the sepoys and the people of the North Western Provinces, that it is the fixed design of the British Government to interfere by force with the religious liberty of the people. In this position of affairs, it appeared to us that we should fail in our duty if we permitted a newspaper to inflame men's minds against the British Government, to excite suspicion and unfriendly feelings in the minds of native chiefs in relations with us, and above all, to intensify the prevalent and fatal delusion as to designs on the part of the British Government to destroy caste, and to convert the natives of India by force and fraud. We therefore warned the publisher of this paper that a repetition of such breach of the conditions would be followed by the revocation of his licence. Instead of profiting by this warning, the next issue of the paper contained an article repeating, but in offensive and defiant terms, the substance of the article originally objected to. We were on the point of recalling the licence of this newspaper, when we received from the friends of the proprietor an assurance, in which we place reliance, that arrangements had been completed, under which, in future, the paper would be conducted in conformity with the prescribed conditions. As our object is to obtain the necessary security, with the least possible

possible injury to private interests, we have, on this assurance, abstained from the withdrawal of the licence.

24. We have revoked the licence granted to the proprietor of a lithographic press in Calcutta, and directed the seizure of all the printing materials, &c. belonging to it. Our reason for taking this step is, that in the "Gulshun-i-Nan-Bihar," a Persian newspaper, published at the press in question, there appeared on the 21st ultimo, two articles of a grossly seditious character, obviously designed to excite disaffection towards the Government, and to encourage resistance to its authority. A translation of these articles will be found in the collection.

Home Department, No. 71 of 1857.

To the Honourable the Court of Directors.

Honourable Sirs,

In continuation of our letter No. 62 of 1857, dated 4th July, we have the honour to transmit, for your Honourable Court's information, the accompanying extract from our proceedings in the Foreign Department, containing a despatch from the Commissioner of Sind, bringing to notice the mischievous tendency of certain articles in native newspapers, together with copies of minutes recorded by the Right Honourable the Governor and the Honourable Members of the Council of Bombay, on the absolute necessity of putting some restriction on the freedom of the press in India.

No. 2956, dated
14 July 1857.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 17 July 1857.

Home Department, No. 72 of 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

31 July 1857.

In the 9th paragraph of our letter, No 54 of 1857, dated the 18th June, we intimated that the law officers of the Government had been directed to take the necessary steps for bringing the printers and publishers of the "Doorbeen," the "Sultan-ul-Akhbar," and the "Sumachar Soodaburshun," to trial before the Supreme Court on a charge of publishing seditious libels. A translation of the libels in question was communicated to your Honourable Court in the same despatch.

2. True bills were found by the grand jury at the last sessions against the defendants; but, under the circumstances explained in the accompanying correspondence, we authorised the Advocate-general not to press for punishment, if the defendants connected with the two former papers would plead guilty, and express contrition for their offence. This course was accordingly adopted; the defendants pleaded guilty, and were discharged after entering into recognisances to appear and receive judgment when called upon.

From Advocate-general, of the 17 July. To Advocate-general, dated 20 July. Minute by Mr. Grant, dated 19 July. From Solicitor to East India Company, dated 29 July.

3. The third defendant was prosecuted on the charge brought against him; but the trial resulted in a verdict of not guilty.

4. On referring to the translation of the libel which appeared in the "Sumachar Soodaburshun," your Honourable Court will perceive at once the nature of the comments that may be made in a newspaper, and circulated amongst natives in India with impunity, when the press is not under a temporary law of restriction.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
B. Peacock.

Fort William, 31 July 1857.

PAPERS RELATING TO THE

Home Department, No. 112 of 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WE have the honour to transmit for your Honourable Court's information, the accompanying copy of correspondence regarding the revocation of the licence granted under Act, No. XV. of 1857, to the proprietor of the "Hurkaree Press," and the subsequent grant to him of a new licence under the Act.

We have, &c.
(signed) *Canning.*
C. Campbell.
J. Dorin.
J. Low.
B. Peacock.

Fort William, 23 September 1857.

EXTRACT Public Letter to India, dated 26 August (No. 120) 1857.

3. Your attention having been called to the degree in which the objects and intentions of Government were misrepresented by the press, for the purpose of bringing the Government into hatred and contempt, you caused a Bill to be brought into the Legislative Council, which subsequently passed as Act No. XV., giving the Executive Government a control, for a time, over the press, and the power of suppressing publications containing treasonable and seditious matter. We entertain no doubt of the necessity of some such measure, and have entire confidence in your discretion, as to the mode in which, under your orders, effect will be given to it.

* * * * *

5. Since the preceding paragraphs were written, we have received your letter, dated 4th July (No. 62) 1857, submitting further proceedings relating to the control of the press, and assigning, at some length, reasons in justification of the restrictive measures which have been taken. We have already expressed our approval of your having obtained from the Legislature the power of exercising that control over the public press, the necessity of which, under existing circumstances, is obvious. We do not think it necessary at present to enter on the general question of the freedom of the press in India.

To Sir James Cosmo Melville, K.C.B., &c., &c., &c., Secretary to the East India Company.

Sir,

I HAVE the honour to forward to you herewith a memorial to the Honourable the Court of Directors, praying for the disallowance of Act XV. of 1857 of the Legislative Council of India, and for the protection of proprietors of presses and conductors of newspapers in India, in the rights and privileges which they have enjoyed since 1835.

Begging the favour of your submitting the same to the Honourable Court, and awaiting your reply,

9, Gloucester-terrace,
New Cross, London, S. E.,
21 August 1857.

I have, &c.
(signed) *John Connon.*

To the Honourable the Court of Directors of the East India Company.

The Memorial of *John Connon*, M.A., &c.

Showeth,

1. THAT your memorialist went out from this country upwards of 10 years ago to edit a newspaper in India, having only recently returned, and is now sole proprietor of the "Bombay Gazette," daily newspaper, also of several other periodical publications and literary works, and of a large printing office in Bombay, giving employment to more than 150 persons, and circulating by so doing more than 120,000 rupees a year.

2. That

2. That as the conductor of a public journal, and otherwise, your memorialist has reason to believe that he acquired the goodwill and esteem of many persons, notwithstanding the invidiousness of the office which he had undertaken, having been secretary to the only associated body of Europeans in the Presidency independent of Government, the Bombay Chamber of Commerce, during the greater part of his residence there, and having received on the occasion of his quitting Bombay, upon leave of absence, and subsequently on a final tender and acceptance of his resignation, highly complimentary communications from that association.

3. That your memorialist claims to have been instrumental, by means of the journal which he conducted and still owns, in doing much good at Bombay, by calling attention, for example, to the indifferent state of the police there, when one magistrate was removed, and the magistracy, superintendency and details of police management, have all since been changed and improved; to frauds and other illegalities in the collection of municipal revenue, which have since disappeared; to the state of the Sudder Adawlut in Bombay, when two of the judges of that high court were removed avowedly in consequence of what your memorialist published and the inability of those judges to reply satisfactorily to it; and your memorialist believes that by these and other means a greater sense of responsibility has become common among public men, the administration of justice has become less open to suspicion, and the honour of the English name and government more and more respected throughout the Presidency of Bombay.

4. That your memorialist, thankful for the freedom and means of usefulness in an honourable calling which he enjoyed while thus engaged, has been careful from the first day and hour in which he acquired property in a press in India to comply with all the requisitions of the existing law as to the registry of said property, a precaution which he has reason to believe has not always been taken by others similarly situated, including gentlemen in the service of your honourable Court, which neglect on those gentlemen's part, though well known to the members of successive governments on the spot, was wholly overlooked by them; and your memorialist, though he has had to appear in courts of law from time to time, never was cast in damages, or found guilty, on the criminal side, of any libel, or had to apologise for any wrong done, or failed to establish the truth of anything which he ever published, though a statement to this effect seems to have been conveyed to your honourable Court in a minute of the late Governor, Lord Falkland, quoted in a despatch of your honourable Court to the Governor in Council at Bombay, No. 12 of 1853 in the Judicial Department, against which your memorialist remonstrated in letters to the Bombay Government, dated 21st and 28th March, and 18th September 1854, and in respect of which your memorialist had the satisfaction of receiving disclaimers from the Bombay Government under dates the 28th March, 5th April, 7th September, and 7th October, all in 1854; the communication of the 7th September being accompanied by a copy of your honourable Court's despatch to that Government, No. 13 of 1854 in the Judicial Department, in which partial, but, speaking with the utmost deference your memorialist must say, imperfect justice was done him in respect of the wrong which had been committed.

5. That, in the midst of this career of public usefulness, as your memorialist ventures to call it, living under the protection of law on the one hand, and responsible to it on the other, he finds by Act XV. of the present year, intitled "An Act to regulate the establishment of printing presses, and to restrain in certain cases the circulation of printed books and papers," passed by the Legislative Council of India, at a sitting, and by regulations made by the Government of India under that Act, all this freedom and all this protection of law, as well as amenability to regular tribunals, taken away, and that he is now liable to absolute ruin at the pleasure of the Executive Government, without warning and without trial; that he must have a licence from Government to use his own press, which licence they can give or refuse at pleasure, or on any terms that they please; that they can revoke such licence, or change the terms of it, on the instant, and as often as they please, without any further legislation; that the use of his own press without such a licence would involve the possible loss of it by summary seizure, also the chance of a long imprisonment and heavy fine, while there is to be no appeal from such decisions, nor is any compensation provided for possible wrong done under these circumstances.

6. That your memorialist understands that the mutiny of large bodies of troops in the Bengal Presidency, and a certain unsettledness throughout the country in consequence, are assigned as the reasons for giving to the Executive these new powers. But your memorialist ventures to submit that those mutinies have not been caused in any degree by the late freedom of the press; and that so far as advantage has been taken by evil-disposed persons of the disturbances alluded to, to publish seditious or other libellous matter, the existing law was sufficient to reach and to punish such; in illustration of which he may notice that the Government of India, before Act XV. of this year was passed, had up the editors of four native papers in Calcutta before a magistrate, charging them with the issue of treasonable or seditious publications. The accused were all committed, as no doubt they deserved to be, for trial at the criminal sessions, which are presided over by English judges, and where juries, of whom a half must, and the whole may be Englishmen, are judges of the fact, and in libel cases, as your Honourable Company is aware, also of the law. There is no reason to doubt that those men would get a fair trial, nor that seditious, libellous, or other illegal writing in India, can be put down by regular and constitutional means, as easily and as summarily as it can in England. But should the law now passed not be disallowed, it will be

said that the government of the East India Company does not like regular and constitutional means, that it does not like an independent judicature, that it wants a power above the law, and operating on public fears at a critical time has got such a power as regards the press; while, judging by what the Governor-General said, in proposing the measure, there is reason to fear that the power thus taken will be retained long after the circumstances under which it arose have passed away. Already such language, less respectful to your honourable Court and servants than your memorialist will allow himself to use, is finding public utterance, and probably commanding assent. In a letter from Calcutta, which appears in the "Daily News" of the 17th instant, it is written: "To gag the press was among the first ideas of our rulers when they found themselves in difficulties. Be sure the English press was not muzzled on account of any idea of turbulent natives perusing its columns; it was the opportunity to visit official indignation upon the too free-spoken on matters in general. The law as it was before, was thoroughly sufficient for every purpose of proper control and punishment; but it did not permit, as the new Act does, the Governor-General in Council to crush a paper by a word."

7. That supposing your memorialist is wrong in the opinion which he holds in common with so many others, that the existing law was sufficient for all reasonable purposes, he suggests that the law might be amended, but he prays that himself and property shall only be put under a government by law, and not one of possible caprice; above all, he would not have those who may be his accusers to be also his judges, sole judges, and against whose adverse decision there could be no appeal, till wrong past any legal remedy had been inflicted.

8. That it may be said, as indeed has already been said by the Government of India, in giving a warning which it was quite optional and quite a gratuitous courtesy on the part of Government to do, to the "Friend to India," that "the Governor-general in Council has no intention of interfering with the fair discussion of public measures;" but read by the light of his actual interference with the conduct of that newspaper in respect of an article which your memorialist would call innocuous, if not laudatory of the English Government in India, one is at a loss to know what Government means by "fair discussion." They constitute themselves sole judges of what is fair discussion, and what is not. And looking at the conditions set forth in the official notifications in India as those upon which the licence to keep or use a press is to be had, it will be observed that those conditions have only in a partial degree any relation to the existing state of affairs, and withal are so comprehensive that having them in view no proprietor of a press, or journalist equal to his duties, can regard his personal liberty or his property as safe for one hour beyond the pleasure of angry, fussy, or affrighted officials. Even publication of documents and despatches that have received the warm approval of your Honourable Court is full of danger. Thus, referring to one of the conditions, that forbidding observations, original or selected, from any source, "having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it," to reprint in India only a few words from the minute of the Marquis of Dalhousie, dated the 28th February 1856, reviewing his administration in India, say paragraph 39, in which his Lordship speaks of the chance of "recovering [for the British Government] the fertile and unhappy province of Cashmere, which, in 1846, we unwittingly handed over to a chief who has proved himself a veritable tyrant, and who already appears to be the founder of a race of tyrants," the veritable tyrant here alluded to being a sovereign prince then in alliance with us, and his son one of "a race of tyrants," by the same authority, being now in alliance with us, to reprint in India such words as these, long since given to the world with approbation by your Honourable Court, would now render one liable to all the penalties of Act XV. of 1857. In short, if Government is to act, not to speak of the letter, but even in the spirit of the regulations which it has laid down, the use of a printing press in India for almost any conceivable purpose is dangerous, if not impossible. But it may be said, Government has no intention to act up to the power which it has taken. With reference to that, your memorialist would represent that it is a policy—if one can call such action by such a name—quite unworthy of a wise and just government, to make laws which it does not care to enforce habitually when they are infringed. As already remarked by your memorialist, the few and simple provisions of Act XI. of 1835, as to public registry of property in presses, have been frequently disregarded in India by some, never by memorialist; and no government, so far as your memorialist knows, has taken the least notice of the illegality. No doubt the unwillingness of Government officers to perform what seemed a disagreeable duty, was alone the cause of this; but if another cause were sought for, it might be found, perhaps, in the notion entertained by a certain class of officials, that it is high statesmanship to treat the press with an affectation of contempt—a notion strikingly in contrast with the Act just now passed, and one also which your memorialist is persuaded cannot be entertained by your Honourable Court, who, he doubts not, share with him the opinion that the only true statesmanship in regard to the press, is to legislate for it calmly and deliberately in peaceful times, putting it, like other professions, in a state of responsible freedom, and then leaving those affected by it, whether governments or individuals, and those connected with it, all to their responsibility to the law on the one hand, and to their protection by it on the other.

9. That your memorialist submits that any other policy—interference, for instance, by the executive, from day to day in the way now threatened, and indeed practised in India—involves a degree of responsibility and necessary action on their part totally incompatible with their recognised functions. For one thing, they must be presumed to approve all that

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is printed, which they have not checked; and unless they are to carry out a policy of extermination as to the press, this lands them in a position of absurdity unworthy of a government, or indeed any man of reason and common sense.

10. That your memorialist believes less precaution has been taken in India since 1835 till now, than is still taken in England, to ensure a certain amount of respectability on the part of newspaper proprietors, so far as that can be done by law. He alludes to the seditious libel bond or recognizance required in England from newspaper proprietors and sureties under 60 Geo. 3, c. 9, and 11 Geo. 4, c. 73. Your memorialist would not object for himself, and does not believe that any respectable newspaper proprietor in India would object, to furnish such a bond as that required here under those Acts. But your memorialist would see with deep regret any steps taken, and, if taken, persevered in, which would have the effect of placing conductors of English newspapers in India on a footing of hostility, with a good cause of quarrel, almost personal, towards the British Government there, where there are so many objects of honourable ambition and of usefulness common and open to both parties in their respective spheres. But then their spheres are and must be apart, if either would be useful, as they may. One who has adorned and dignified a judgment seat in Bombay, and the legislature of England; one who has taught philosophy in the schools of your Honourable Court, and whose name is dear to literature and freedom, Sir James Mackintosh, said in his defence of Peltier—"To inform the public on the conduct of those who administer public affairs requires courage and conscious security. It is always an invidious and obnoxious office; but it is often the most necessary of all public duties. If it is not done boldly, it cannot be done effectually, and it is not from writers trembling under the uplifted scourge that we are to hope for it;" and to quote another who has also served your Honourable Court well, the great historian of our day, the same who drew up the Act that first gave to the press of India its (alas temporary) freedom:—"Men are never so likely to settle a question rightly as when they discuss it freely. A government can interfere in discussion only by making it less free than it would otherwise be. Men are most likely to form just opinions when they have no other wish than to know the truth and are exempt from all influence either of hope or fear. Government, as government, can bring nothing but the influence of hopes and fears to support its doctrines. It comes on controversy, not with reasons, but with threats and bribes. If it employs reasons, it does so not in virtue of any powers which belong to it as a government. Thus instead of a contest between argument and argument, we have a contest between argument and force. Instead of a contest in which truth, from the natural constitution of the human mind, has a decided advantage over falsehood, we have a contest in which truth can be victorious only by accident."

11. That it is your memorialist's firm persuasion that your Honourable Court and the various authorities and agencies for the government of India have nothing to fear, in the discharge of duty, from a free press.

Your memorialist therefore prays your Honourable Court to signify to the Governor-General of India in Council your disallowance of the Act XV. of 1857, in terms of the Act of Parliament 3 & 4 Will. 4, c. 85, s. 44, causing the said Governor-General in Council forthwith to repeal the said law, and the regulations made under it; and should it be thought necessary or desirable to amend the previously existing law as to the possession and use of printing presses in India, your memorialist prays further that the liberty of unlicensed printing shall not be taken from loyal and lawful subjects of the British Crown, and that the persons and property of owners of presses and the conductors of newspapers there—at all events, of those now enjoying the protection of English law, and subject to the jurisdiction of the Queen's Courts only—shall not be put in jeopardy except by fair trial in such courts, nor sacrificed till after guilt found by impartial and independent juries.

And your memorialist, as in duty bound, will ever pray.

John Connon, M. A.

6, Gloucester-terrace, New-cross, London, S. E.,
21 August 1857.

Sir,

East India House, 2 September 1857.

I HAVE laid before the Court of Directors of the East India Company your memorial, dated 21st ultimo, praying for the disallowance by the Court of the Act of the Legislative Council of India, No. XV. of 1857, and "for the protection of the proprietors of presses and the conductors of newspapers in India, in the rights and privileges enjoyed by them since 1835."

In reply, I am commanded to inform you that the Court have already communicated to the Government of India their approval of the Act of the Legislative Council of India, to which you refer.

I am, &c.

John Connon, Esq.,
6, Gloucester-terrace, New Cross.

(signed) *James C. Melvill,*
Secretary.

Fort William, Home Department, 12 June 1857.

RESOLUTION.

THE Governor-General in Council has read extracts from certain native newspapers published in Calcutta, in which falsehoods are uttered and facts grossly perverted for seditious purposes, the objects and intentions of the Government are misrepresented, the Government itself is vituperated, and endeavours are made to excite discontent and hatred towards it in the minds of its native subjects.

Two of these papers have published a traitorous proclamation said to have been put forth by the leaders of the revolted troops at Delhi, inciting the Hindoos and Mussulmans to murder all Europeans, offering rewards to those who will join and assist them in rebellion, and denouncing all who shall continue well affected and faithful to the British Government.

It is necessary that prompt and decisive measures be taken to arrest this mischief at its source.

His Lordship in Council resolves therefore that the law officers of the Government be directed to take out a warrant against the printers and publishers of the three* newspapers in which these articles have appeared, in order that they may be committed to take their trial before the Supreme Court on a charge of publishing seditious libels.

* Doorbeen. Sul-
tan-ul-Akhbar.
Sumachar Soodha-
burshun.

It is further resolved, that a Bill be brought into the Legislative Council giving the Executive Government, for a time, control over the press, and the power to suppress summarily publications containing treasonable or seditious matter, or otherwise infringing the conditions which may be imposed on them.

From the "Doorbeen," a Persian Paper published in Calcutta, Republished in the "Sultan-ul-Akhbar," another Persian Paper.

Proclamation by the Leaders of the Mutinous Army of Delhi.

IN the course of the week an urdu proclamation, issued by the leaders of the rebellious army of Meerut and Delhi, was forwarded to us anonymously by post. It is clear from the contents of this document that these troops have fallen into a great error, being misled by a groundless delusion and false suspicion, and have thus become the source of so great a commotion and disturbance, of loss and injury to human life, and of danger to honour and property. Therefore, without engaging for the truth of its contents, we reprint it *verbatim* and *literatim*, explaining underneath it, its falsehood, and folly and groundlessness, so that all may know that the reasons given by these troops for mutinying are in truth false and groundless, and their assertions untrue and ignorant.

This is the copy of the proclamation:—From the leaders of the English army at Meerut and Delhi to all Hindu and Mahometan subjects and servants of Government. All the Ferringhees have determined upon this; that they will first destroy the religion of the army, and then quickly make all their subjects Christians by force. Accordingly the Lord passed this order—"Distribute cartridges made of hogs' and bullocks' fat. If 10,000 men decline to receive them, blow them up, or if 50,000 refuse submission, dismiss them." Therefore only to save our religion we have joined with the people, and not left one unbeliever (Kafir) alive in this place, and we have made the Emperor of Delhi king; and whatever regiment will kill the Europeans, and own allegiance to him, shall receive double pay. We have got hundreds of guns and plenty of treasure. Now it behoves all people who don't wish to turn Christians to join the troops in all directions, and show courage, and not leave any of the seed of these devils alive in any place. Whatever expense is incurred in furnishing carriage and supplies for the troops let the people take a receipt for the same from the officers, and keep it by them. They will receive double the cost from the king's government.

And all who show cowardice at this time, or put faith in the words, or are deceived by the promises of these deceivers, will receive such fruit of their submission as did the government of Lucknow. It behoves all Hindoos and Mussulmans at this crisis to be of one mind, and commit their safety to some respectable man. Whoever in any place makes good arrangements, so that the people are content,

content, will be honoured with promotion. And let it be understood, that to spread this proclamation as far as possible, is not less important than to fight. It should be hung in conspicuous places so that all Hindoos and Mahomedans may learn its contents, and take their measures accordingly. And if the unbelievers now show any softness it is only a stratagem to save their lives. He who is deceived by them will repent. The empire is established. The pay of the new troops of Delhi has been fixed at 30 rupees for a sowar, and 10 rupees for an infantry soldier.

If the causes of the revolt are truly described in this proclamation, "that all the Ferringhees have determined upon this, that they will first destroy the religion of the army, and then quickly make all their subjects Christians by force—Accordingly the Lord passed this order: "Distribute cartridges made of hogs' and bullocks' fat. If 10,000 men disobey this order, blow them up, or if even 50,000 refuse submission, dismiss them;" then it is fully evident that this is due to the extreme folly and ignorance of the mutineers. All know perfectly well that the Ferringhees have never determined upon this, that they will "first destroy the religion of the army, and then quickly make all their subjects Christians." But it is perfectly well known that the Government, from first to last have bound and pledged themselves, by proclamations which they have issued, that they have no concern, and will never interfere with the religious observances of any one of their subjects; and all well know that assuredly the Governor-General never issued an order to the effect that, if "10,000 men disobey this order, blow them up, or if 50,000 refuse submission, dismiss them." But on the contrary, when one regiment and some hundred other sepoys showed signs of mutinying at Barrackpore, they simply disbanded them without any further ado, and did not blow them from the cannon's mouth; and since the falsehood and baselessness of these two assertions, which are the foundation of the whole proclamation, are thus clear and apparent, of course the iniquity and falsity of the deductions built upon them are also indisputable; still it is a cause for grief, sorrow, and regret, that the rebel army should, under such a groundless delusion, have committed so many murders and so much bloodshed; moreover we cannot but regret that Government did not early adopt proper means to explain matters, and to conciliate the army, and that they ever used harsh and severe measures towards them, forgetting that saying, "The breaker who will tame the colt must make him a useful horse by gentleness."

EXTRACTS translated from a Calcutta Daily Paper, published in Bengalee and Hindee, called the "Sumachar Soodaburshun."

AFTER affirming that it has only been constant war that has made us prosper hitherto, and that our constant aggressions were not bad policy, the writer proceeds, "but now, from the way in which they (our rulers) have attempted to destroy religion, it seems that God is certainly displeased with them, and hence it is not improbable that they will lose their empire." "When a servant gives answer to his master, death is not far off." It is clear that the sepoys have given an answer "to their masters" upon the subject of the loss of their caste. Let our readers consider for themselves what is likely to follow. It was in an unlucky moment that the Governor passed the order for biting the cartridges, that he will not be able to effect his purpose is a trifle, but he will have difficulty in saving the empire. Now he takes every kind of oath, but the mutinous soldiers attach no credit to what he says, and show no inclination to leave off fighting; on the contrary, their rage increases every day, and they have induced the people in many places to join them.

The Raja of Rewa promised the priests of the sacred Godhadhur at Gya 2½ lakhs of rupees if he should conquer in the war with the English, so the priests are praying God that he may be victorious.

The Emperors of France and Russia have made peace with the British Government upon condition that the country which the British have taken from them respectively is to be restored, but the orders of restoration have not yet issued. They will probably not long be delayed under present circumstances. Government has passed an order that all merchants are to assist in the war. The merchants are in great trouble about this.

26th May.

All the country people round Agra are buying weapons and arms in every direction, saying, "If we die for it, we will fight with all our might against the English." Let us see what will come of it.

5th June.

The mutinies at Meerut and Delhi have filled the mind of our Governor with fear; he has therefore added 24 men to his body guard, and has ordered the principal gate, and all the minor entrances at Government House to be closed punctually at eight o'clock, P. M. After the gates are closed, no one is admitted, no matter who he be, or what his business; and he goes every day to Dum Dum, Barrackpore, &c., and salaming to the sepoy with both hands, with great address, addresses them thus, with sweet words: "I will never attempt any thing which can injure your religion. Do whatever your religion requires, no one shall prevent you. The members of the great Council of Parliament having understood that the order to bite the cartridges was at the bottom of all the present mutinies of the sepoy, have sent a letter of commands to Lord Canning. In it this is written, "Take means to make the Hindu and Mussulman sepoy abandon their mutinous conduct, or else it will be much the worse for you." When he got these orders, our Governor determined to burn all the cartridges with suspected covers (paper?) in the presence of the sepoy all over the country, in order that they might lose all suspicion in regard to their religion and return to their allegiance, but it does not seem as if the sepoy would place any confidence in the word of the Governor.

6th June.

The foolish mutineers are using every means to drive the English from the country. They first wrote a number of letters to the several tributary Rajas of Ullwar Rewa, Rampur, Bhurtpur, Puteyala, Gwalior, Kushmir, Nepal, &c. to come and assist them, but all of them, instead of leaving the English to join the sepoy, sent the letters to the British Government, and advanced with their forces to its assistance.

The ignorant sepoy despairing of obtaining any assistance in the north-west, then wrote a letter to the chief of the Sontal country to the effect that if they would give their aid and raise the Sontals again, they would very soon drive the English out of India.

The same paper contains a very favourable article upon the subject of the late meeting of the Hindus of Calcutta, dwelling especially with great satisfaction upon the assurances given by the Government in reply to the address of that meeting that it would ever respect the religion of its subjects.

9th June.

We learn by a letter from Lucknow that the zemindars of Tulsipur and Salitipur, and the country on the banks of the River Gogra, have collected a body of 60,000 sepoy and 112,000 of the country people to fight against the English, and sent a letter to the Nawab of Lucknow, in Calcutta, offering to drive the English out of the Province. But the Nawab would not give his consent, but on the contrary, actuated by fear, sent instructions to the zemindars to keep quiet. There is however, no doubt whatever that the zemindars will very soon create a fearful disturbance despite the commands of the Nawab. Our Governor is already very much alarmed at the revolt of the Delhi sepoy, and taking all kinds of precautions. He will have greater difficulty than ever in knowing what to do when the news of this Oudh rebellion reaches him. But let him not fear the result, God will order all well; for as all the people are contented under the British Government, we feel sure that the Lord of the world also will be favourable to them, and he whose honour is preserved by God need fear harm from no one. So let the Governor set his mind at ease and make arrangements for fighting on all sides. He will surely gain the victory. Only let him abstain from interfering with the religion of the people, and all will go well.

10th June.

The regiments at Hyderabad are ready to mutiny, and when the Nawab Nazim died, the mutinous troops plundered all his property and cut the telegraph wire.

Our Governor has issued a notification to all whom it may concern, whether small or great, or rich or wise, or honourable, promising to give a reward of 500 rupees, or if that be not thought enough of 1,000 rupees a day to any one who can put an end to the present mutiny. This offer will remain in force for one week from to-day. So any one who wishes to try must do so during that period. There is no doubt that the promised reward will be forthcoming.

We

We have reason to think (literally, it is likely) that as soon as the Governor shall have put out the flame of this revolt, he will again show what he can contrive and what he is capable of (literally, his ability), but the sepoys thoroughly understand his intentions, and will never be led astray by fair speeches."

Letter from Muttra.—The mutineers swear that while they live they will never turn their backs upon the English.

11th June.

(No. 1120.)

From *C. Beadon*, Esq., Secretary to the Government of India, to *F. C. Sandes*, Esq., Solicitor to the East India Company. Home Department.

Sir,

I AM directed to forward three native newspapers; viz.:

The "Doorbeen" of the 8th June, containing a proclamation said to have been issued by the revolted sepoys at Delhi, with comments thereon.

The "Sultan-ul-Akhbar" of the 10th June, containing the same proclamation, with comments thereon.

The "Sumachar Sooddhaburshum" of the 10th June, containing remarks calculated to promote the false belief that the Government has intended, and notwithstanding its assurances to the contrary, still intends to interfere with the religion of the native soldiers.

2. I am directed to request that you will lay these documents before the Advocate-general, and if so advised, that you will immediately apply for a warrant against the printers or publishers of these newspapers, in order that they may be arrested and committed for trial before the Supreme Court on a charge of publishing a seditious libel.

I have, &c.

Fort William,
13 June 1857.

(signed) *C. Beadon*,
Secretary to the Government of India.

Fort William, Home Department, 18 June 1857.

RESOLUTION.

WITH reference to Act No. XV. of 1857, the Governor-General in Council resolves that application for licenses to keep or use any printing press or types or other materials and articles for printing within the town of Calcutta, shall be made to the Commissioner of Police, and that the Commissioner shall forward a copy of every such application to the Government of India, in the Home Department, from whence licenses will be issued.

His Lordship in Council authorises the Lieutenant-governor of Bengal to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the Lower Provinces of Bengal, except the town of Calcutta.

His Lordship in Council authorises the Lieutenant-governor of the North Western Provinces to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the North Western Provinces of the Presidency of Bengal.

His Lordship in Council authorises the Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu, and the Tenasserim and Martaban Provinces, severally, to grant licenses under the said Act, and to appoint any persons or persons to receive applications for such licenses, within the provinces, districts, and settlements under their control respectively.

His Lordship in Council resolves that the conditions upon which licenses to keep or use any printing press or types or other materials or articles for printing are ordinarily to be granted, shall be as follows:

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government either in England

or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper or other work shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

His Lordship in Council resolves that a copy of every book, pamphlet, newspaper or other work printed or published in the town of Calcutta, shall be immediately forwarded to the commissioner of police, by whom all such copies will be immediately transmitted to the Secretary to the Government of India, in the Home Department.

Ordered, that a notification to the above effect be published in the "Calcutta Gazette," and that corresponding instructions be sent to the several local Governments and authorities noted in the resolution.

FORM of APPLICATION under Act No. XV. of 1857.

(The application may be made either by the proprietor or the publisher, but both must not join in it. If there are two proprietors or two printers, both of whom are in the same Presidency, both should join in the application.)

We A. B. of (and C. D. of) being desirous of (keeping) [*in the case of an application by the printer say "using"*] a printing press, types, and other materials and articles for printing hereby apply to you (the [*or the person appointed by the Governor-General in Council, (or the Government of Bengal) (or by authorised by the Governor-General in Council in that behalf)*] for that purpose] magistrate within whose jurisdiction we propose to keep the same) for the purpose of obtaining the sanction and license of the Government under Act No. XV. of 1857.

The following are the particulars required by the 3d Section of the Act to be specified in the application.

Names of the proprietors of the printing press
Profession - - - - -
Place of abode - - - - -
Names of persons intended to use the said printing press - - - - -
Profession - - - - -
Place of abode - - - - -
Place where printing press, types and other materials are intended to be used - -

FORM of Declaration to accompany Application for License under Act No. XV. of 1857.

N. B.—Both proprietor and printer should join in this declaration unless by reason of the absence of the former, or for other good reasons the magistrate shall dispense with the declaration of one of them.

[*Here insert name, place of abode, and trade, profession, or other description of the person or persons making the declaration*] jointly and severally make (*makes*) solemn declaration and say (*says*) that A. B., [*here enter place of abode and profession*] [*and C. D., &c.*] [*and so on*] are (*is*) the proprietors (*proprietor*) of a printing press commonly called the press, now kept and used [*or intended to keep and use*] at [*here enter name of the town and street, or other designation of place*] and of all the types and other materials and articles for printing belonging thereto, and that no person or persons is or are interested in the said press and materials

materials save and except the said A. B. [and C. D.] [and so on]: And these deponents (*this deponent*) further say (*says*) that the said A. B. [and C. D.] [and so on] [*or others*] use and are intended to use the said printing press, types, and other materials and articles, and that no person or persons is or are intended to be employed or engaged in keeping or using the said press and materials save and except the said A. B. [and C. D.] [and so on] [*or others*].

FORM of LICENSE.

A. B. [and C. D. &c.] having applied to the magistrate [or the commissioner of police or other officer] of _____ for sanction and license to keep and use a printing press, types, and other materials and articles for printing, and their application having been verified by solemn declaration as required by law, the Governor-General in Council [or other authority] does hereby authorise and empower the said A. B. [and C. D., &c.] to keep and use a printing press, types, and other materials or articles for printing at [here enter the name of the place as stated in the declaration] and not elsewhere.

The above license is subject to the following conditions:

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government either in England or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

The license is subject also to such conditions, if any, as shall from time to time be published by order of the Governor-General in Council as general conditions upon which licenses to keep printing presses are to be subject.

Note.—The above license will cease to have effect, and a new license must be applied for whenever any change shall take place in the proprietorship of the printing press, or other materials specified therein.

Fort William, Home Department, 18 June 1857.

NOTIFICATION.

WITH reference to the provisions of Act No. XV. of 1857, it is hereby notified that applications for licenses to keep or use any printing press or types or other materials or articles for printing within the town of Calcutta, are to be made to the Commissioner of Police.

The Lieutenant-Governor of Bengal is authorised to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the Lower Provinces of the Presidency of Bengal except the town of Calcutta.

The Lieutenant-Governor of the North Western Provinces is authorised to grant licenses under the said Act, and to appoint any person or persons to receive such applications in any part of the North Western Provinces of the Presidency of Bengal.

The Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu, and the Tenasserim and Martaban Provinces, are authorised severally to appoint any person or persons to receive such applications within the provinces, districts, and settlements under their control.

The conditions upon which licenses to keep or use any printing press, or types, or other materials, or articles for printing, will ordinarily be granted, are as follows:—

1. That no book, newspaper, pamphlet, or other work printed at such press or with such materials or articles, shall contain any observations or statements impugning

impugning the motives or designs of the British Government either in England or India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

A copy of every book, pamphlet, newspaper, or other work published in the town of Calcutta, is to be immediately forwarded to the Commissioner of Police.

By order of the Right Honourable the Governor-General in Council,

(signed) *Cecil Beadon*,
Secretary to the Government of India.

From *C. Beadon*, Esq., Secretary to the Government of India, to *S. Wauchope*, Esq., Commissioner of Police, Calcutta.

Sir,

I AM directed by the Right Honourable the Governor-General in Council, with reference to Act No. XV. of 1857, to draw your attention to the notification issued from this department on this date, and published in the "Calcutta Gazette," and to forward a form of application to be made, and declaration to be used by persons requiring a license to keep a printing press.

2. Immediately on receiving an application, you will, after having it verified, forward it to this department, together with such information as you may possess relative to the character of the applicants and the objects for which the press is sought to be set up, and your opinion whether the license ought to be granted or not, and if granted, whether on the ordinary conditions alone, or on further and special conditions.

3. You will also be so good as to forward to this department daily all books and papers furnished to you under Section 6 of the Act.

4. It will be your duty strictly to enforce the provisions of the Act on the expiry of the period mentioned in Section 10.

5. I am directed to take this opportunity of desiring that you will take care that the provisions of Act No. XI. of 1835, are fully carried out, and that after due warning, all persons infringing them are prosecuted according to law.

6. You will also furnish this department as soon as possible, and hereafter on the 1st May in every year, with a correct list of all newspapers and other periodicals (whether registered or not) now published in Calcutta, showing the names of the printer and publisher, the place of printing and publication, and the date of declaration; and also a correct list of the proprietors of presses.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

Council Chamber, 18 June 1857.

From *C. Beadon*, Esq., Secretary to the Government of India, to Secretaries to the Governments of Bengal, North Western Provinces, Bombay, Madras, and the Straits Settlements.

Sir,

I AM directed to forward for the information of the
a copy of the under-mentioned papers relating to
Act No. XV. of 1857, viz.:—

Resolution of the Governor-General in Council of this date; Form of Application; Form of Declaration; Form of License; Instructions of this date to the Commissioner of Police for the town of Calcutta:

and to request that corresponding steps may be taken by his
for carrying out the provisions of the Act in the

2. The Governor-General in Council desires to be furnished with an annual return of presses worked and of periodical works published in
compiled from the returns furnished by the district authorities.

I have, &c.

(signed) *Cecil Beadon*,

18 June 1857.

Secretary to the Government of India.

(No. 1202.)

From *C. Beadon*, Esq., Secretary to the Government of India, to the Secretary to the Government of Bengal.

Sir,

THE attention of the Governor-General in Council has been given to the first Home Depart-
leading article, headed "The Centenary of Plassey," which appeared in the ment,
"Friend of India" of the 25th instant, and especially to the two last paragraphs,
which, in the judgment of his Lordship in Council, are fraught with mischief,
and calculated at the present time to spread disaffection towards the British
Government, both among its native subjects and among dependent and allied
states.

2. The article in question infringes every one of the three conditions upon which licenses to keep a printing press are now to be granted. It tends to excite disaffection towards the British Government amongst great masses of the people; it tends to create alarm and suspicion among the Hindoo and Mahomedan population of intended interference by Government with their religion; and it tends to weaken the friendship towards the government of native princes, chiefs, and states in dependence upon, and alliance with it.

3. Whatever the intentions of the writer may have been, the tendency of the article is as above described, and the publication of such remarks, even if innocent and admissible in ordinary times, is now, under the critical circumstances which rendered the passing of Act No. XV. of 1857 necessary, most dangerous, not only to the Government, but to the lives of all Europeans in the provinces not living under the close protection of British bayonets.

4. I am directed, therefore, to request that, with the permission of the Lieutenant-Governor, the views of the Government of India may be communicated to the publisher of the "Friend of India," and that he may be warned that the repetition of remarks of this dangerous nature will be followed by the withdrawal of his license.

5. The Governor-General in Council has no intention of interfering with the fair discussion of public measures, but he cannot now permit the circulation in India of writings so framed as to excite popular disaffection.

I have, &c.

(signed) *C. Beadon*,

Secretary to the Government of India.

Council Chambers, 29 June 1857.

ORDERED, that a copy of this letter be communicated to the Governments of Bombay (No. 940); Madras (No. 941); North Western Provinces (No. 942); and the Straits Settlements (No. 943); and to the Foreign Department (No. 1038.)

From the "Friend of India" Newspaper of the 25th June 1857.

THE CENTENARY OF PLASSEY.

WE have glided into the second centenary of English rule in India, and Hindus and Musulmans who study the mysteries of fate are well nigh in despair. The stars and Scriptures told them that on Monday last we had completed our allotted term of mastership, when the strength which had hitherto been resistless, the courage that never faltered, would pass away, and we should become in turn the easy prey of our vassals. The favour of the gods is not a perpetual gift, and though sire and son have witnessed so often what must to them appear supernatural results, it was but reasonable to suppose that our store of miracles would be exhausted at last. We share with them the belief in hidden influences, only what they look upon as being natural and commonplace is to us the domain of the marvellous. It is easy to understand how we gained power and wealth and glory at the commencement of the cycle, but hard beyond measure to find out how we have lost all three at its close. When you can succeed in realizing to the imagination the most foolish thing, the most improbable thing, and the most timid thing; and have blended all these together and multiplied them, and worked them into what is called a policy, you may perhaps get some clue to the solution of the problem, but all other modes of induction will hopelessly fail.

- The qualities of mind which enable a man to accumulate wealth, are often those which hinder him from making a proper use of it. It was necessary for the conquest of Hindustan that the East India Company should exist, for it is only the intense greediness of traders that could have won for us the sovereignty of the country. The enemies of the Company's rule assert that they made and broke treaties, planned and fought battles for the mere love of gain. Whatever degree of interference with private or public rights was needful for the purpose of collecting revenue, received instant and eager sanction; whatever concerned merely the welfare of Asiatic souls, or the social interests of the great body of Englishmen and Hindus, was either coldly ignored or bitterly assailed. They imported for their own use the might of civilisation, but never cared to exhibit to the natives its beneficent features. Wealth embodied all the attributes of their good deity, to whom was rendered with cheerful devotion the homage of heart and brain. The evil principle was symbolised by power, and where they failed to vanquish they fell down and worshipped. Without a spark of patriotic feeling they set on the brow of England a gem of priceless value; without care for Christianity, they paved the way for overthrow of idolatry. Be it so, but the evil which they wrought has well nigh passed away; the good of which they have been the not unconscious instruments, will go on multiplying for ever.

A hundred years is but a small point in the lifetime of a nation. It may be a period of sowing or of reaping the harvest, of giant labours such as shall influence the destiny of remote generations, or of utter folding of the hands to sleep. We found India destitute of invention and enterprise; ignorant of liberty, and of the blessings of peace. We have placed her face to face with the forces of our civilisation, and have yet to see if there are no subtle invigorating influences that can be transmitted through her aged frame. We have given her liberty such as she has not enjoyed for centuries, and never save by brief and long-interrupted snatches. The Hindu stands upon the same platform with the Englishman; shares equal privileges with him; and challenges for himself as great a measure of the protection and immunities accorded by the State; he has no political enemies, and his grievances are all social. There is much to be remedied within, but without all is quiet and secure. If he has a new part to play in the world's history, the stage is clear for him, and there is an audience ready to sympathise and applaud. Whatever he has in him of creative ability may find easy vent and ready acceptance. We have swept away the obstacles which stood in the path of intellect and courage; it rests only with nature and himself whether he achieves success or otherwise. A second Sevajee is happily impossible, but another Luther would find an easier task than that which was imposed

imposed upon the monk of Wittenberg. The inventor, the author, the man of science, will meet ready welcome and sure reward. We spread out before the dormant Asiatic soul all the mental treasures of the West, and feel only too happy in being allowed to distribute them.

It is a great crime in some instances to trample out a nationality ; to strangle in infancy what might have grown up to be one of the fairest births of time ; but except in the case of the Sikhs, there is no example of the kind to be alleged against our countrymen. The Mussulman power was effete long before the battle of Plassey, and such as Clive found the Mahomedans in the days of Surajah Dowlah, we encounter them in the time of the deposed king of Oude. Cruel, sensual, and intolerant, they are unfit to rule and unwilling to serve. Claiming to exercise sway as of Divine right, and yet destitute of every gift with which nature has endowed the races meant by destiny to dominate over the world, they fell by necessity under the power of a nation replete with energy and resolution, and loathe with all the bitterness of hate the infidels who have subdued them. They will never tolerate our gifts or forgive our supremacy. We may load them with blessings, but the reward will be curses. We stand between them and a fancied earthly paradise, and are not classed in their list of good angels.

The Mahrattas have none of the elements of greatness in their character, and speaking in the interests of the dusky millions, we do not regret Assaye, Deeg, and Maharajpore, but it is otherwise with regard to the Sikhs, who had flourished as we have seen them two centuries back, or never come in contact with the might of England, would perhaps have uprooted the tenets of Hindu and Mussulman, and breathed a new spirit into the followers of Mahomed and Brahma. Humanity, however, will be content with their overthrow. The Bible is a better book than the Grunth, and Christianity is superior to the Khalsa. Regenerated Hinduism might have obtained a new lease of existence, but it would have gained nothing in morals, and effected but little for human happiness. Its sole gain would have been power, and the example of universal destruction.

It may also be alleged against us that we have deposed the kings and ruined the nobles of India, but why should the world sigh over that result? Monarchs who always took the wages, but seldom performed the work of Government, and aristocrats who looked upon authority as a personal right, and have never been able to comprehend what is meant by the sovereignty of the people, are surely better out of the way. No Englishman in these days deploras the wars of the Roses, and would like to see the Cliffords and Warwicks restored again to life. France bears with calmness the loss of her old nobility ; Europe at large makes steady contributions to the list of kings out of employment. Had princes and rajahs in Hindoostan been worth conserving, they would have retained their titles and power. The class speedily die out in the natural course of mortality, and it is not for the benefit of society that it should be renewed.

Array the evil against the acknowledged good ; weigh the broken pledges, the ruined families, the impoverished ryots, the imperfect justice against the missionary and the schoolmaster, the railway and the steam engine, the abolition of Suttee, and the destruction of the Thugs, and declare in which scale the balance lies ! For every anna that we have taken from the noble, we have returned a rupee to the trader. We have saved more lives in peace than we have sacrificed in war. We have committed many blunders and crimes ; wrought evil by premeditation and good by instinct, but when all is summed up the award must be in our favour. And with the passing away of the present cloud, there will dawn a brighter day both for England and India. We shall strengthen at the same time our hold upon the soil and upon the hearts of the people ; tighten the bonds of conquest and of mutual interest. The land must be thrown open to the capital and enterprise of Europe ; the ryot lifted by degrees out of his misery, and made to feel that he is a man if not a brother, and everywhere heaven's gifts of climate and circumstance made the most of. The first centenary of Plassey was ushered in by the revolt of the native army, the second may be celebrated in Bengal by a respected Government and a Christian population.

PAPERS RELATING TO THE

From the "Friend of India" Newspaper of the 2d July 1857.

THE FIRST WARNING.

LORD CANNING has done us the honour to select the "Friend of India" as the subject of his first experiment under the gagging Act. We are, it appears, an *imperium in imperio*, studied by the native masses, watched with anxiety by Moollah and Brahmin, stronger than the East India Company. We have only to insert a couple of paragraphs, and the rebellion broadens and deepens. The chief priests amongst Hindoos and Mussulmans tremble for the safety of their creeds, and allied and dependent princes, looking upon their treaties as so much waste paper, turn a deaf ear to Governor-General and Resident, and prepare to array their fighting men against the Sirkar Bahadoor. Say that our power is complimented at the expense of our patriotism, yet what journalist could resist the temptations that beset us? What would even the "Times" give to possess such vast means of doing mischief? Who else is there of all the tribe of editors that has authority over a hundred and fifty millions of souls, that stirs equally the ryot in his hut, the devotee in his temple, and the ruler on his throne? A few words and we can subvert the allegiance of the people. The servants of the sacred shrines, dear to all races of Asiatics, seek their destiny in these columns; wherever the English soldier is absent, we hold the lives of Europeans in the hollow of our hand. So says Lord Canning, and we may not question the truth of his statement. Here is the Governor-General's opinion of an article in our last, which we dare only refer to except for home purposes.

(No. 298.)

From the Secretary to the Government of Bengal to J. C. Murray, Esq.,
Printer and Publisher of the "Friend of India."

Sir,

General.

I AM directed to forward for your information the accompanying copy of a letter, No. 1202, dated the 29th June 1857, from the Secretary to the Government of India, in the Home Department, relative to an article which appeared in your paper of the 25th instant.

I have, &c.

(signed) A. R. Young.

Secretary to the Government of Bengal.

Fort William, 29 June 1857.

No. 1202.

From Cecil Beadon, Esq., Secretary to the Government of India, to A. R. Young, Esq.,
Secretary to the Government of Bengal.

Sir,

Home Department.

THE attention of the Governor-General in Council has been given to the first leading article, headed "The Centenary of Plassey," which appeared in the "Friend of India" of the 25th instant, and especially to the two last paragraphs, which, in the judgment of his Lordship in Council, are fraught with mischief, and calculated at the present time to spread disaffection towards the British Government, both among its native subjects and among dependent and allied states.

The article in question infringes every one of the three conditions upon which licenses to keep a printing press are now to be granted. It tends to excite disaffection towards the British Government amongst great masses of the people; it tends to create alarm and suspicion among the Hindoo and Mahomedan population of intended interference by Government with their religion; and it tends to weaken the friendship towards the government of native princes, chiefs, and the states in dependence upon an alliance with it.

Whatever the intentions of the writer may have been, the tendency of the article is as above described, and the publication of such remarks, even if innocent and admissible in ordinary times, is now, under the critical circumstances which rendered the passing of Act No. XV. of 1857, necessary, most dangerous, not only to the Government, but to the lives of all Europeans in the provinces not living under the close protection of British bayonets.

I am directed, therefore, to request that, with the permission of the Lieutenant-governor, the views of the Government of India may be communicated to the publisher of the "Friend of India."

of India," and that he may be warned that the repetition of remarks of this dangerous nature will be followed by the withdrawal of his license.

The Governor-General in Council has no intention of interfering with the fair discussion of public measures; but he cannot now permit the circulation in India of writings so framed as to excite popular disaffection.

I have, &c.
(signed) C. Beadon,
Secretary to the Government of India.

Council Chamber, 29 June 1857.

If we were on our defence in a trial for libel, we should be allowed to reprint the obnoxious paragraphs, but it will be sufficient to say that they occurred in the course of a rapid sketch of the results of a century of British occupation, and formed the best apology that we were able to make for the East India Company. We had to speak of a policy which has swept away monarchies and aristocracies in all parts of the land, as if they cumbered the earth; a policy which bore its first fruits in 1757, and its latest just a century afterwards. We advocated it, as has been the habit of this journal for a score of years, and, however prepared for hostilities on the part of the present administration, we certainly never expected that the grounds of indictment would be found in the first leading article of our last issue. We have no objection to recant one of the obnoxious paragraphs, but must stand by the hope expressed in the other. We will say, if required, that from Suraj-ool-Dowlah to the King of Oude, the princes of India have been vilely dealt with; but we cannot forego the pleasing vision that, in 1957, a Christian people may live happily under a respected Government.

But what is the use of beating about the bush, and assailing us under false pretences? Our fault is no question of orthodoxy, or want of sympathy with mockery kings. It is, that whilst doing our utmost to keep eyes and ears closed to much that we were bound to receive, we were forced to denounce the vacillation of purpose, the utter want of organization, and the wretched crop of results which has given such a melancholy character to the proceedings of Government since the commencement of the mutinies. We had to choose between the utterance of unpleasant censures, or a dishonest silence; between saying what in the interest of England it were traitorous to suppress, and what it was for the reputation of a few high officials should never have been written. The time had come, when it was needful to take a side, and without hesitation we fell into the imperial ranks. As it turns out, we had not counted the cost, but such as our course seemed to entail, we were willing to defray. On the score of public support, we have no martyrdom to boast of, having gained 111 subscribers since the 1st May, after allowing for all the deaths and withdrawals.

We venture to say that there is not a man in Calcutta or elsewhere, who will put upon the excepted paragraphs the construction which Lord Canning has chosen to fix on them, or who will adopt any other conclusion than the palpable one, that it is thought more desirable to gag the "Friend of India" at once, than to waste time in finding a sufficient reason for the act. But we submit to his Lordship the following matter for consideration. The people of all classes, who are said to read and study this journal, know as a matter of course, that it has always been the advocate of annexation and of Christianity; but all of a sudden, it is silent upon those important topics. The shrewd Asiatic need not ask the reasons, for he can see for himself that the Government have interfered to prevent their discussion; but he will carry the inquiry a step further, and ask what it is that has prompted the interference. If they intend to reverse the policy of their predecessors, why let them reinstate kings, restore jagheers, and deport missionaries. But if they are not repentant, but merely timid; if they do not abjure the acts, but only shrink from enduring the consequences, why, what a dullard he must be, to be duped into inaction by such shallow artifices! Either we advocate what is always injurious to the body politic, or it is the poorest cowardice to coerce into silence. No man, Mussulman or Hindu, if he has half the brains that the Governor-General allots to him, can fail to recognise in this open tabooing of subjects hitherto left free for comment, the newest and most damning proof of the mistrust which the Government entertains of the allies and native subjects of the Crown of England and the Honourable Company.

Three weeks since, Lord Canning had the sympathy and support of every man of European birth or parentage. To-day there are not half a dozen who would lift up their hands in his favour. But why should he do for himself what he has failed to do for England? Why care to retain personal, when public reputation is irrecoverably gone? When the goodly ship goes down with all her rich freight on board, it is better that the captain should exhibit no anxiety to save his cabin furniture.

And now a word as to the policy of this journal—say, for the next three months. We have no intention of testing the ability of Government to put down a rebellion at Serampore. To-day is the last of our independence, and we will not write under compulsion, or invite for interests which have been created by industry and intellect exerted for a quarter of a century, the ruin which it will now cost Lord Canning nothing to decree. We accept the situation that is made for us, and take leave of political discussion till the times mend.

NOTE by the Secretary.

WITH reference to the article which appeared in the "Friend of India" on Thursday last, headed "The First Warning," the secretary begs to submit a demi-official letter he has received from Mr. Macleod Wylie, on behalf of the absent proprietor, explaining that measures have been taken to prevent the insertion of further objectionable matter.

3 July 1857.

(signed) Cecil Beadon,
Secretary to the Government of India.

Fort William, Home Department, 3 July 1857.

READ again letter to Government of Bengal, No. 1202, dated the 29th ultimo.

Read in the "Friend of India" newspaper of Thursday last, the article headed "The First Warning."

Note by the secretary, stating that he has received in writing an assurance on the part of the representatives of the proprietor of the "Friend of India" newspaper, who is now in England, that the newspaper shall be carried on so as to avoid all cause of complaint on the part of the Government, and within the terms of the license.

RESOLUTION.

THE Governor-General of India in Council upon this assurance abstains from withdrawing the license of the "Friend of India" newspaper, which otherwise he should have felt it necessary to do, in consequence of the article above recorded.

Ordered that a letter be addressed to the publisher to the above effect through the Government of Bengal.

Home Depart-
ment.

From *C. Beadon*, Esq., Secretary to the Government of India, to *A. R. Young*, Esq., Secretary to the Government of Bengal.

Sir,

IN consequence of the article which appeared in the "Friend of India" of the 2d instant, headed "The First Warning," the Governor-General in Council would have felt it necessary to direct the revocation of the license which has been granted to the publisher of that paper. His Lordship in Council only abstains from adopting this course in consequence of an assurance he has received, on the part of the representatives of the absent proprietor, that the newspaper shall, during his absence, be carried on so as to avoid all cause of complaint, and within the terms of the license.

2. The Governor-General in Council desires me to request that this may be communicated to the publisher.

I have, &c.

(signed) *C. Beadon*,

Council Chamber, 3 July 1857.

Secretary to the Government of India.

TRANSLATION of an Extract from the "Goolshun Nowbahar" Persian Newspaper, dated 27 June 1857.

N. B.—All the
italic words are
rendered by the
same Persian
word.

Now, when the drum of the power of the English is sounding so loudly, it is in every one's mouth that the state of Travancore also is to be annexed to the British dominions upon the ground of mal-administration. It is also said that the principality of Ulwar will be *confiscated* by Government. But at present the progress of *confiscation* is *arrested* by the government of the Almighty Ruler.

The Government should first *arrest* the progress of the disturbances and disorders which are raging in all parts of the country, and then address itself to these

these *confiscations* again. I formed a design of going to Worms. But the Worms unexpectedly eat off my head. He (God) is Almighty. He does what he will. He makes a world desert in a breath.

Kirman, the name of a town and province in Persia, in the Persian also means "Worms." The conceit can thus be rendered into English.

Everybody knows, and now perhaps it has become right clear to the "*confiscation* gentlemen" what kind of mischief the *confiscation* of Lucknow has done, causing ruin to thousands of their own friends. In another part of the paper, page 10, after an article about the Delhi and Meeruth mutineers, the following passage occurs.

Literally "Lords of annexation." N.B.—The whole tone of this article in the original is highly sarcastic.

Come what may, in these degenerate days the men of Delhi must be celebrated as sons of Rustum, and very Alexanders in strength.

Oh! God, destroy our enemies utterly, and assist and aid our sovereign (Sultan).

(No. 1244.)

From Cecil Beadon, Esq., Secretary to the Government of India, to S. Wauchope, Esq., Officiating Commissioner of Police, Calcutta. Home Department.

Sir,

A license was granted on the 27th June to one Hafiz Abdul Kadir to keep a lithographic press, commonly called the Gulshun-i-now-bahar press, at No. 18, Sheriff Duftry's Lane, in Calcutta.

2. Since then there have been brought to the notice of the Governor-General in Council two articles in the "Gulshun-i-now-bahar," of the 21st June, one headed "Delhi," and the other "Travancore," both of a most seditious character, clearly intended and well calculated to excite disaffection towards the British Government, and to encourage resistance to its lawful authority.

3. In the present state of public affairs the Governor-General in Council will not permit the publisher of such malignant articles as these to escape the punishment which the law empowers the Government to inflict upon him. His Lordship in Council therefore hereby revokes the license granted to Hafiz Abdul Kadir, and desires me to request that you will forthwith seize the press and other materials kept or used by the said Hafiz Abdul Kadir, and all other books and printed papers found on his premises, and forward an inventory of the same to this department for such further orders as may be required.

I have, &c.

Council Chamber,
3 July 1857.

(signed) Cecil Beadon,
Secretary to the Government of India.

No. 2956.

EXTRACT from the Proceedings of the Right Honourable the Governor-General of India in Council, in the Foreign Department, under date the 14th July 1857.

(No. 208 of 1857).

Office No. 715.

From H. L. Anderson, Esq., Secretary to Government, Bombay, to G. F. Edmonstone, Esq., Secretary to the Government of India, in the Foreign Department, Fort William. Secret Department.

Sir,

I AM directed by the Right Honourable the Governor in Council to forward to you, for submission to the Right Honourable the Governor-general of India in Council, copy of a letter with enclosures, from the Commissioner in Scinde, dated the 11th instant, No. 160, bringing to the notice of Government the mischievous tendency of certain articles in native newspapers at the present time.

2. I am also directed to forward copies of the Minutes of the dates noted in the margin, recorded by the Right Honourable the Governor and the other Members of this Government on Mr. Frere's letter.

Right Honourable the Governor, dated 24 June. Honourable Mr. Lumsden, dated 25 June. Honourable Mr. Malet, dated 26 June.

I have, &c.

Bombay Castle,
29 June 1857.

(signed) H. L. Anderson,
Secretary to Government.

(No. 160 of 1857.)—Secret Department.

From *H. B. E. Frere*, Esq., Commissioner of Scinde, to the Right Honourable Lord *Elphinstone*, G.C.H., Governor and Resident in Council, Bombay.

My Lord,

I HAVE the honour to enclose a memo. with which Mr. Gibbs, Assistant Commissioner, has favoured me, of a conversation with Shett Nowmull, a native merchant of Kurrachee, for many years favourably known to Government on account of his great intelligence, his extensive influence and connexions throughout the countries on our western frontier, and his tried attachment to the British Government.

2. His opinions on the subject of the native press seem to me deserving of attention, backed as they are by extracts from a Hindustani paper published at Madras, which show how mischievous the articles in native newspapers often are, and how widely they circulate.

3. The extract and translations by Major Goldsmid will enable your Lordship in Council to form a judgment on this point.

4. No. I. seems clearly meant to produce an impression that the Government had attempted to defile their sepoy's by flour mixed with hogs' bones, though the insinuation is very cautiously worded.

5. No. II. is a very mischievous perversion of an Indian Debate in Parliament, which in quieter times might be amusing.

6. No. III. is perhaps the most important, as it is evidence of the effort which has for some time past been made to place the Shah of Persia in the position as regards Mahomedans in general, formerly held by the Sultan of Turkey. Your Lordship is aware that some of the most influential learned Mahomedans in India are sheeahs, and that the liberal measures lately adopted by the Sultan, and his manifest reliance on the aid of Christian Powers, have been triumphantly appealed to by the sheeahs, as proofs of this Sultan's heterodoxy.

7. With regard to the measures to be adopted towards the native press, it is easier to see the evil than to provide a remedy which shall be quite satisfactory to a distant public, taking a rather theoretical view of such questions, and not feeling a very deep personal interest in the risks which attend any abuse of the liberty of the press.

8. Moreover, it is the ignorance of the authors and readers of such articles which really gives them their dangerous character as well as forms the difficulty in dealing with them; for it is not easy to prevent or punish the publication in a native newspaper, of what may be a verbatim translation of a very harmless criticism in an English publication.

9. A poem in a Persian paper was lately brought to my notice as of very mischievous tendency, and, as it described the signs preceding the day of judgment, in language strikingly applicable to the present time and place, it was doubtless calculated to unsettle and excite men's minds and prepare them for some sudden disturbance; but it read so like a free translation of a sermon by a popular English preacher on the same subject, as to render it rather puzzling to know what to do with it.

10. I believe the best plan would be to have all periodical productions of the native press regularly read by trustworthy persons with instructions to bring to notice any objectionable passages; whereupon any measures which might appear necessary could be taken regarding them. At any time like the present, when productions like those enclosed would be calculated to do real harm, the ordinary courts would punish anything seditious with exemplary severity, and public opinion would fully bear them out in so doing.

11. I have taken measures which will, I hope, prevent the publication of any mischievous articles in this Province.

12. Considering how timid and easily alarmed are the Hindoo traders of Scinde, and that they are extremely anxious at the present moment regarding
other

other parts of India, with which they have mercantile transactions, it is satisfactory to find one of them so well acquainted with the feelings of his fellows as Shett Nowmull, express great confidence in the preservation of internal tranquillity in the midst of a Mahomedan population, as well as in the loyalty and fidelity of our Bombay native army.

Commissioner's Office, Kurrachee,
11 June 1857.

I have, &c.
(signed) *H. B. E. Frere*,
Commissioner of Scinde.

NOTES of a Conversation with Shett Nowmull, on Sunday, 7th June 1857.

Nowmull's opinion as to the cause of the present crisis is, that Persian influence is at the bottom of it.

He argues this, from the fact of the great spread of the Sheeah tenets of the Mussulman religion, which has for some time (two to three years) been observable, and also from the very perceptible decrease in the rancour usually to be met with between Sheeahs and Soonis. He tells me that for the last two years there have been cossids regularly passing between Delhi and the Persian Court *via* Candahar. The men sent adopted different disguises from time to time, and the letters were always secreted in the soles of the shoes or otherwise.

With regard to the Hindoo portion of the army, the new cartridges have been used (perhaps through the same influence) to excite their feelings and lead them to mutiny.

He considers the Bombay army safe, but he observed that it is a fatal error to trust entirely to native troops. You must mix Europeans with them. So impressed was he with this idea, that he said he thought it was not impossible that the Punjab might still break out, owing to the irregular troops having to act so much alone. He seemed to think the active part taken by the chiefs and neighbouring rajahs as the greatest safeguard.

He hears that it is Dost Mahomed's intention to restore Candahar to the ex-sirdars; he says the Dost thinks more of Persia than of England. In talking on this point, he observed that the country was thus situated:

PERSIA.

— PESHAWUR.

"Persia is on the Dost's head, while Peshawur is under his feet."

He suggests that there should be a censorship of the native press. He brought me a copy of the Madras paper called the "Saobah Sadik" (published at Madras in Hindustani, dated 30th May 1857, No. 39), in which are several very questionable articles. Three of these Major Goldsmid has kindly translated for me. From No. I. it will be seen that an idea is afloat that hogs' bones are being issued to the troops mixed up with the flour, and No. III. shows that the Persian court have granted immunities to the Soonis.

8 June 1857.

(signed) *J. Gibbs*,
Assistant Commissioner in Scinde.

NEWS OF MEERUT.—The same newspaper tells us, that in the Pattan Bili Camp at Meerut, the same cartridges arrived on account of which the Barrackpore officers had earned a reputation (reknami) on the 18th or 19th of the current month; and the flour-bones which have been publicly stated to contain hogs' bones mixed up in them, also came. The order was, that the men of the regiment should purchase the flour. On this account no one eat food, and refused to take the flour or the cartridges. Though it is not right to suspect the sarkar, as they have nothing to do with religion, yet in this business there is no doubt that, in the wisdom of the Government, they have suddenly withdrawn from kindly feeling towards the hearts (lost the hold on the people's affections?) (of their subjects?) It is very lamentable; the sky kisses the earth from grief, that Mahomed Alem-u-deen Khan, son of Sidik Shitub-u-deen Khan, Risaldar, died of cholera, &c. &c.

(True abstract translation.)

E. E.

(signed) *F. J. Goldsmid*,
First Assistant Commissioner for Jagheers.

THE "Jam-i-Jamsibid" of Meerut relates that, in the durbar of ———, the Marquis of Clanricarde complained much of the Indian Government; that a vast amount of rupees was expended among the home authorities in the way of pay, they knowing little of the circumstances of the country; that the nobles and great men of Hindoostan were becoming extinct, and the middle classes gradually suffering damage, and poor people being ruined, it would be proper that the country should be so governed that the people do not suffer. Some zillahs require a decrease of taxation, and the salt-tax is very wrong. In whatever countries there was fitting management, the latter impost had been abolished. Beside this, in Hindoostan, the system of justice was defective. Moreover, on this account, the English name suffered; and, in Hindoostan, amid ten judges, nine are Hindoostanees, but their pay and position was unimportant and inconsistent with their duties. And the heads of the East India Company say, that, amid 14 crore of Hindoostanees, not one is worthy of rank or trust; a very sad and distressing statement, enough to break the hearts of the people of Hindoostan, and cow their spirits. Besides which, he said many more things, in answer to which, the Duke of Argyle was unable to advance any clear argument.

(True abstract version.)

E. E.,

(signed) *F. J. Goldsmid*, Major.

No. III.

NEWS FROM HERAT.—* * * * Every one knows that in the matter of treaties, the Ameer is to be held as untrustworthy as if of hell; and though it is useless to have friendship with such people, yet we look on so long as his star is in the ascendant. All assist their nominal friends, and turn from one to the other. Without the orders of the Almighty a leaf cannot shake. It is said that, after the thaw, the Persian army entered Candahar. It has been heard that the Shah has given up his religious prejudices wholly. Every Sheeah has been forbidden to say the "Tabarra," any one doing so is to be punished. There is nothing strange in it. All great kings have been in the habit of so acting.

(True version.)

E. E.

(signed) *F. J. Goldsmid*, Major.

(True copies.)

(signed) *H. L. Anderson*, Secretary to Government.

MINUTE.

1. SINCE the commencement of the present disturbances several officers have brought to our notice the evil effect of the native press upon the public mind.

2. Mr. Frere recommends that all native newspapers should be "regularly read by trustworthy persons, with instructions to bring to notice any objectionable passages, whereupon any measures which might appear necessary could be taken regarding them. At a time like the present, when productions like those enclosed would be calculated to do real harm, the ordinary courts would punish anything seditious with exemplary severity, and public opinion would fully bear them out in so doing."

3. I have a very high respect for Mr. Frere's judgment, but, in my humble opinion, the measure which he suggests would be altogether insufficient to check the evil which he points out.

4. Seditious articles and habitual depreciation of the character of our Government, and misrepresentation of its acts, may have had their effect in alienating from us the goodwill and respect of the people or the soldiery; but at the present moment the most mischievous class of publications are the false reports of mutinies and insurrections, which I am sorry to say are published in some of the English as well as in the native newspapers, and which have a tendency to produce panic with all its disastrous consequences.

5. To give an example of what I mean, and of the inefficiency of the measures suggested by Mr. Frere; two or three days ago an article appeared in the "Telegraph and Courier," stating that the 25th Native Infantry, forming a part of General Woodburn's force had mutinied, and that 200 of the men were placed in confinement. I felt convinced that the report was false, as I had heard nothing of it, being in daily communication with the Commander-in-Chief. I

was

was quite certain that his Excellency would have informed me of the circumstance if it had taken place. I accordingly wrote to Colonel Melvill and requested him to take the opinion of the law officers whether the "Telegraph and Courier" could be prosecuted for spreading false and mischievous reports. The Advocate-general was of opinion that the prosecution of a newspaper upon such a charge was not advisable, as the editor might have been, and probably was deceived, and that it would be better to contradict the report through another newspaper. It is only fair to the editor of the "Telegraph and Courier" to say that he contradicted the report himself, and published an extra for this purpose; but the mischief done by the promulgation of the lie was not effectually counteracted by its contradiction, which was probably not read by half of those who had heard of the pretended mutiny.

6. It seems to me that the time is now come to inquire into the general question of the working of an unrestricted press in this country, and that I should be shrinking from my duty if I were to withhold the expression of an opinion which has been strengthened by recent events, but which has certainly not been formed by them.

7. I do not for a moment contend that the license of the native press has occasioned the mutiny in the Bengal army, but still it is worth while to inquire whether by weakening in the native mind the respect for authority, and by destroying the confidence of the sepoys in Government and in their officers, it may not have been one of the predisposing causes which have led to this event.

8. The following extract from a minute by Sir Thomas Munro is written with a largeness of view and a forecast which entitle it to attention:—

"Were we sure the press would act only through the medium of the people, after the great body of them should have imbibed the spirit of freedom, the danger would be seen at a distance, and there would be ample time to guard against it; but from our peculiar situation in this country, this is not what would take place, for the danger would come upon us from our native army, not from the people. In countries not under a foreign government, the spirit of freedom usually grows up with the gradual progress of early education and knowledge among the body of the people. This is its natural origin, and were it to rise in this way in this country, while under our rule, its course would be quiet and uniform, unattended by any sudden commotion, and the change in the character and opinions of the people might be met by suitable changes in the form of Government. But we cannot with any reason expect this silent and tranquil renovation, for owing to the unnatural state in which India will be placed, under a foreign government, with a free press and a native army, the spirit of independence will spring up in this army long before it is even thought of among the people. The army will not wait for the slow operation of the instruction of the people, and the growth of liberty among them, but will hasten to execute their own measures for the overthrow of the Government, and the recovery of their national independence, which they will soon learn from the press it is their duty to accomplish."

"The high opinion entertained of us by the natives, and the deference and respect for authority which have hitherto prevailed among ourselves, have been the main causes of our success in this country; but when these principles shall be shaken or swept away by a free press, encouraged by our juries to become a licentious one, the change will soon reach and pervade the whole native army. The native troops are the only body of natives who are always mixed with Europeans, and they will therefore be the first to learn the doctrines circulated among them by the newspapers, for as those doctrines will become the frequent subject of discussion among the European officers, it will not be long before they are known to the native officers and troops. Those men will probably not trouble themselves much about distinctions regarding the rights of the people and forms of government, but they will learn from what they hear to consider what immediately concerns themselves, and for which they require but little prompting. They will learn to compare their own low allowances and humble rank with those of their European officers, to examine the ground on which the wide difference rests, to estimate their own strength and resources, and to believe that it is their duty to shake off a foreign yoke, and to secure for themselves the honours and emoluments which their country yields. If the press be free, they must inevitably

learn all this, and much more. Their assemblage in garrisons and cantonments will render it easy for them to consult together regarding their plans; they will have no great difficulty in finding leaders qualified to direct them; their patience, their habits of discipline, and their experience in war, will hold out the fairest prospects of success; they will be stimulated by the love of power and independence and by ambition and avarice to carry their designs into execution. The attempts would no doubt be dangerous, but when the contest was for so rich a stake they would not be deterred by the danger. They might fail in their first attempts, but even their failure would not, as under a national government, confirm our power, but shake it to its foundation. The military insubordination which is occasioned by some partial or temporary cause may be removed, but that which arises from a change in the character of the troops, urging them to systematic opposition, cannot be subdued; we should never again recover our present ascendancy. All confidence in them would be destroyed, but they would persevere in their designs until they were finally successful, and after a sanguinary civil war, or rather after passing through a series of insurrections and massacres, we should be compelled to abandon the country."

9. I was anxious to compare the opinions of Lord Metcalfe upon this subject with those of Sir Thomas Munro, and for this purpose I searched the volume of Selections from his papers, which is edited by Mr. Kaye, in the hope of finding his minute proposing the emancipation of the press in India. I have been unable to find this minute, but I have discovered a passage in which Lord Metcalfe evidently gives the reasons which induced him to abolish the restrictions which existed at the time of Lord William Bentinck's departure.

Page 197.

"His Lordship (Lord William Bentinck), however, sees further danger in the spread of knowledge and the operations of the press. I do not, for my own part, anticipate danger as a certain consequence from these causes. I see so much danger in the ignorance, fanaticism, and barbarism of our subjects, that I rest on the spread of knowledge some hope of greater strength and security. Men will be better able to appreciate the good and evil of our rule, and if the good predominate, they will know that they may lose by a change. Without reckoning on the affection of any, it seems probable that those of the natives who would most deprecate and least promote our overthrow, would be the best informed and most enlightened among them, unless they had themselves individually ambitious dreams of power. If, however, the extension of knowledge is to be a new source of danger, and I will not pretend confidently to predict the contrary, it is one altogether unavoidable. It is our duty to extend knowledge whatever may be the result, and spread it would, even if we impeded it. The time is passed when the operations of the press could be effectually restrained; even if that course would be any source of safety, which must be very doubtful, nothing so precarious could in prudence be trusted to. If therefore increase of danger is really to be apprehended from increase of knowledge, it is what we must cheerfully submit to. We must not try to avert it, and if we did we should fail."

10. Lord Metcalfe considers the freedom of the press and the diffusion of knowledge as convertible terms.

11. Let us see what Sir Thomas Munro says upon this subject.

"The advocates of a free press seek, they say, the improvement of our system of Indian government and of the minds and condition of the natives, but these desirable ends are, I am convinced, quite unattainable by the means they propose. There are two important points which should always be kept in view in our administration of affairs here. The first is that our sovereignty should be prolonged to the remotest possible period. The second is, that whenever we are obliged to resign it, we should leave the natives so far improved from their connexion with us, as to be capable of maintaining a free or at least a regular government among themselves. If these objects can ever be accomplished, it can only be under a restricted press; a free one so far from facilitating would render their attainment utterly impracticable, for by attempting to precipitate improvement it would frustrate all the benefits which might have been derived from more cautious and temperate proceedings."

12. Again, speaking of the restrictions which he would retain, he says "such restrictions will not hinder the progress of knowledge among the natives, but rather

rather ensure it, by leaving it to follow its natural course, and by protecting it against military violence and anarchy."

13. In reading over Lord Metcalfe's papers, nothing has struck me more than that a statesman who entertained such alarming, I had almost written such exaggerated, notions of the insecurity and unpopularity of our rule in this country, should have been the man to abolish the few restrictions upon the liberty of the press which his predecessor considered indispensable, yet Lord William Bentinck appears to have taken a far more confident view of our internal position, and was certainly not an illiberal or an unenlightened Governor.

14. With all the respect which I feel for the character and ability of Lord Metcalfe, I cannot but think that when he took the great step which has procured him so much popularity among our countrymen in India, he lost sight of the connexion which ought to exist between the state of the press and the other institutions of a country. A free press seems to be the natural concomitant of free institutions. It is on the other hand from its very nature antagonistic to despotic rule, and above all to foreign domination, as Sir Thomas Munro, in the minute from which I have already quoted, tersely expresses it, "a free press, and the dominion of strangers, are things which are quite incompatible, and which cannot long exist together."

15. Our Government in this country can never be a popular Government in any sense of the term. It must be a despotism, tempered by wise and just laws impartially administered, tempered also by the education and feelings of its rulers, and by their responsibility to Parliament and to the British nation. I can have no possible doubt that this form of government is the one best calculated to secure and to promote the happiness and advancement of the people of India.

No one who knows the country will be wild enough to assert that the people are fit for representative institutions and self-government. The first care of our insurgents is not to proclaim a constitution, but a new Emperor, and an ample donative to the army.

If then a despotic form of government is indeed the only one suitable to the state of the country as well as the only one possible for us, it follows that if the unrestricted liberty of the press is incompatible with this form of Government, and with the continuance of our rule in this country, that it must be curtailed; the restrictions need not be many; but systematic abuse of the Government and misrepresentation of its acts, and all attempts to create ill-feeling between the different classes of the community, and especially between the European officers and the native soldiery, must be prevented.

Since I began this Minute, I have learnt that the Governor-General has introduced a Bill for regulating the press, both native and European, which has been passed by the Legislative Council. I have no doubt that this Act will meet the requirements of the case, and I only record my sentiments upon this subject because I hardly think that at this moment, when the Governor-general has boldly taken upon himself to pass a measure which must be unpopular at home, and which will be unpalatable to many in this country, it would be honest to conceal them.

(signed) *Elphinstone.*

24 June 1857.

(True copy.)

(signed) H. L. Anderson,
Secretary to Government.

MINUTE.

I HAVE read this Minute of our President's with a lively interest. It very powerfully supports the opinion of those who think that all restrictions ought never to have been removed from the Indian press.

For myself it seems unnecessary that I should enter at any length into a discussion of the advantages as compared with the disadvantages of a free press in the country.

I always supposed it to be an admitted political axiom that a free press and a

despotic Government could not co-exist for any very long period. The one would inevitably in time destroy the other.

With even less hesitation it may be positively affirmed that the totally free and unrestricted liberty of the press is incompatible with the permanency of an absolute Government by foreigners in a country like India, supported principally by a native army, who are attached to us only by the tie of pay and pension.

I believe that this self-evident and inevitable condition of giving freedom to the Indian press had been accepted by Lord Metcalfe as the remote contingency of his gift. He relied, I supposed, on the considerations, that in the first place it was our duty as foreign rulers at all hazards to ourselves to inform and enlighten our Indian subjects, in effecting which the principal agent would be a free press. Secondly, on the hopes that the severance of our connexion with the country when it did in time take place, would be softened by a sense of benefits received, and of the generous tendencies of a rule which endeavoured to the best of its ability to raise the nation to a level with its conquerors.

From the extract from Lord Metcalfe's writings given in our President's Minute, it would seem that he neither affirmed nor denied the dangers to our rule of liberating the press from all restrictions.

It is my full impression that while he anticipated no immediate danger, he was fully prepared for the distant results of his policy, and in doing what he deemed to be right was not deterred by the anticipation.

To suppose that entire freedom of discussion and the liberty and license of a public press can march together for a long series of years with the absolute rule of a few foreigners over a country which is so extensive, so populous, which has within it so many germs of native power and greatness as India, appears to me to be the blindness of political insanity.

The most questionable and doubtful aspect in which Lord Metcalfe's measure could be reviewed, is however that, which we find in the extract from the writings of Sir Thomas Munro quoted in our President's Minute.

Experience at this time seems to justify the opinions of that eminently able officer, that before the good expected from free discussion in this country could result, harm would arrive in the influence which a free press would exert upon the minds and the fidelity of our native soldiery.

I have but small doubt myself that the agency of a free native press has been exerted very banefully, though perhaps indirectly, in producing the catastrophe under which we are now suffering. There are, and have long been, other causes which are patent to those who will reflect, and who have observed our policy for several years past. But the freedom of the native press is certainly one of these causes.

I must however observe, that it is now rather late in the day to impose restrictions on the press such as the new Act legalizes, and it is a question to one how far they will now be found effectual.

With a few rare exceptions it is admitted that the measure was uncalled for by the European portion of the press, indeed the Governor-General says as much. The strictness of the European prints on the proceedings of the several Indian Governments have seldom passed a justifiable limit, and indeed have often been profitable, however severe.

But there is the great difficulty noticed by the Governor-General of drawing a line of separation in the treatment of the European and native portion of the press, and at a crisis like the present the power which the Act gives to the Government is required.

There is this further reason for taking it, that I cannot see in what way it will affect the respectable portion of the press. Since no Governor-General or local Government could venture to take the extreme step of withdrawing a license from a paper without justification, or unless an editor had so grossly committed himself as to have lost the sympathy and respect of his fellow editors, a case which has rarely occurred in the annals of Anglo-Indian journalism.

25 June 1857.

(signed) *J. G. Lumsden.*

(True copy.)

(signed) *H. L. Anderson,*
Secretary to Government.

MINUTE by the Honourable Mr. *Malet*, dated the 26th June 1857.

No one who has watched the native press of India, can, I think, be of opinion that, constituted as it is, it either merits to be free, or that with due regard to the working of the Government of India it is safe to permit to it that unbridled license which under the garb of freedom it has assumed. It is a subject for regret that the check found necessary at this troubled period had not been before imposed in more quiet times, and I perceive no cause for supposing that after the present occasion has past it will be safe to remove it.

The restriction as to respectable portions of the press, both English and native, will be almost nominal, for with the experience we have had of the benefit to be derived from free discussions, it is not to be supposed that any Indian Government will wish to check it, unless it exceed those bounds within which alone it can benefit the public.

I entirely concur in the opinion recorded by the Right Honourable the President, and feel much indebted to him for the opportunity of stating my own in support of the measure lately adopted by the Government of India.

26 June 1857.

(signed) *A. Malet*.

(True copy.)

(signed) *H. L. Anderson*,
Secretary to Government.

ORDERED that copies of the above despatch, and of its enclosures, be sent to the Home Department for information and communication to the Honourable the Court of Directors.

(A true extract.)

(signed) *G. F. Edmonstone*,
Secretary to the Government of India.

From *W. Ritchie*, Esq., Advocate-General, to *C. Beadon*, Esq., Secretary to the Government of India, Home Department.

Sir,

WITH reference to the prosecution of the proprietor of the "Doorbeen" newspaper for seditious libel, the trial of which will come on early next week during my absence, I think it right to call to the attention of the Right Honourable the Governor-General in Council the following facts which have this day come to my knowledge, and which may throw considerable difficulty in the way of the prosecution.

2. The evidence against the defendant, the proprietor of the "Doorbeen," so far as it relates to the proprietorship of the paper, rests chiefly on the admissions made by him to you in the presence of his son Abdool Rouf, and on the admissions made by him to Mr. Wauchope, at the time of his arrest a few days afterwards. And the case is in my opinion greatly aggravated against the defendant by the fact that the letter given up by him to you differs in two material passages from the copy of the proclamation published in the "Doorbeen," although the latter purports to be a literal copy. The newspaper copy differs from the proclamation enclosed in the letter by suppressing in two distinct passages, invocations of Allah and exhortations in the name of the Mahomedan faith; so that the proclamation, as published in the newspaper, forms a more general appeal to all classes of natives than that in the letter.

3. I am now informed that previously to the interview between yourself and the defendant, in the course of which he admitted himself to be the proprietor of the newspaper, and his son on his behalf produced the letter as that received by the defendant, from which the proclamation was copied into the newspaper, the contents of a note of yours, dated 10th June 1857, to Mr. Wauchope, the commissioner of police, were under Mr. Wauchope's directions communicated to the defendant by Mr. Alexander, a superintendent of police; that note being to the effect that the editor could not be reasonably accused of more than being guilty of

grave indiscretion in publishing a treasonable document, the mischief of which was not likely to be cured by his extremely loyal comments; that it might do good if Mr. Wauchope were to have this quietly intimated to the editor, and to let him know that the publication of a treasonable document, even with an apparently friendly comment, is an offence; and that he might be told also that any repeated instance of this kind might lead to the adoption of severe measures.

4. Under ordinary circumstances, the existence of a mere private note from yourself to Mr. Wauchope, expressing your views as to the character of a publication, could not at all interfere with the subsequent prosecution of the publisher for libel. But in the present case, the contents of your note were read to the defendant himself in such a manner as would produce a reasonable impression on his mind that you were writing officially, and that although the insertion of the proclamation was deemed by the Government extremely indiscreet, the remarks with which it was accompanied were considered *bond fide* and loyal, and that it was not the intention of the Government to take any proceedings against the defendant in respect of that particular publication, although any "repeated instance of the kind," would lead to prosecution.

5. If such were the impression produced on the defendant's mind by the communication made through Mr. Wauchope (which communication it will be impossible to treat as a private or non-official one; whatever may have been the character of your note), any admission made by the defendant to you while under the influence of the impression thus produced, would, I think, be inadmissible in evidence. The visit which the defendant made to you, in the course of which he admitted the proprietorship of the paper, and produced through his son the letter containing the proclamation, being subsequent to the communication of Mr. Alexander, would naturally be supposed to have been made under the continuance of that impression, and the admissions then made would be deemed attributable to its influence on the defendant's mind, unless it could be shown that either previously to the visit, or upon the visit but previously to the admission, that impression was distinctly removed from his mind. Now if the statements made by you to the son at the earlier visit paid by him alone to you in the morning, to the effect that what you had written was only written by you privately, that you had no authority from the Government; and that you did not know what course the Government would adopt, had been made by you to the defendant himself, before his admissions, or could be shown to have been faithfully explained to the defendant by his son in the interval between the visits, the objection to the admissibility of the evidence would have been removed, as there could be no doubt in such case that the impression on the defendant's mind had been removed before the admissions were made by him. But unfortunately there exists no means of proving that the son did communicate to the father before the two came to you together, the statement made by you to the son as to your acting privately and not with the authority of the Government, or consequently of showing that the impression conveyed to the father by means of your note had been removed from his mind. And in the absence of such proof, I think that not only will the admission of proprietorship, but also that of the receipt of the letter containing the proclamation, be excluded.

6. The other evidence of the defendant's proprietorship of the "Doorbeen" consists of his admission to Mr. Wauchope when arrested. This appears to have been made in answer to an inquiry of Mr. Wauchope; and if the answer were of this character: "Yes, I am the proprietor of the paper which contained that article, but the Government have, through Mr. Beadon and you, stated that they would not call me to account for that article, provided there were no repetition of improper articles in my paper;" it would be very difficult to say that the admission was not attributable to the impression produced on the defendant's mind by Mr. Beadon's note. It will probably be a question of considerable nicety whether the admission was of that character, or whether it was not made wholly irrespectively of the previous communication, in which case it will be admissible in evidence. But I think that it will be unsafe to go to trial with such a chance of the admissions on which alone at present rests the evidence of proprietorship (the printer and publisher, against whom a warrant was issued not having been taken, and being, it is stated, at Chittagong) unless there be independent evidence

of

of the facts; as to which Mr. Wauchope has been requested to make further inquiries.

7. If such evidence cannot be obtained, I think it will be better to abandon the prosecution than to run the risk of defeat on such a point as the exclusion of the evidence on the ground of a communication made to the defendant by the Secretary to the Government, though without the actual authority of the Government, whereby the defendant was induced to believe that no prosecution would be instituted against him, and to answer the inquiries of and afford the information required by the secretary.

8. But even if such independent evidence be procurable, it is a serious question whether it will be advisable to continue the prosecution, with the knowledge that the contents of your note were communicated to the defendant in such a manner as to lead him to suppose that the note was written officially, and with authority, and that no proceedings would be taken against him by the Government unless the offence were repeated.

9. Such a communication could not afford any legal defence, it not having been in fact made under authority from the Government, and not amounting to anything approaching to a legal pardon. But I cannot help thinking that the effect on the public mind will be bad, if it be known that the prosecution is carried on in spite of a communication made by you in the first instance, which in the eyes of the defendant must have appeared tantamount to a promise of immunity for the past, on condition of good behaviour for the future. This bad effect will be produced, I think, even in the case of a conviction, as it will be difficult for the Government, after such a communication, to press for a punishment of severity adequate to the offence; and it will be very much increased if the case terminates in an acquittal instead of in a conviction. I do not indeed anticipate an acquittal; nor can the jury acquit on any such ground, if they perform their duty and decide upon the evidence alone. But I think it right to point out, as well in justice to Mr. Cowie, by whom the prosecution will be conducted, as with a view to laying all the possible aspects of the case before his Lordship in Council, that the circumstances above stated introduce an element of uncertainty into the case which did not before appear to exist, and afford a plausible topic for declamation against the Government, and for an appeal to the prejudices of the jury, which may possibly, though not I think probably, lead to an acquittal.

10. It is to be observed that as both you and Mr. Wauchope were examined before the magistrate, it will be proper that you should both appear before the grand jury, and should be called as witnesses for the prosecution at the trial; and if so called, the defendant or his counsel will be entitled to examine you both as to the communication in question, so that there will be no means of withdrawing it entirely from the consideration of the jury, even if the admissions made by the defendant to you are not pressed at the trial; while, on the other hand, if you and Mr. Wauchope are not called as witnesses, in which case the communication might be excluded altogether as not being in itself evidence upon the issue, the omission to call you would afford strong ground for comment, and would greatly prejudice the case for the prosecution.

11. Under these circumstances I would respectfully solicit on behalf of Mr. Cowie, who will conduct the prosecution, and of Mr. Sandes, as attorney for the Company, instructions from his Lordship in Council whether the prosecution should be pressed against the defendant to the utmost, as it would have been without any special instructions, but for the communication in question; or whether a discretion may be exercised by the legal advisers of the Government, either in abandoning the prosecution altogether before it comes publicly into court, or in sanctioning an arrangement whereby the defendant shall plead guilty, the Government undertaking not to press for any punishment against him beyond his giving security for his good behaviour, or entering into recognisances to appear to receive judgment when required. The finding of the bill by the grand jury, upon the exposition of the law of libel of the presiding judge, coupled with the conviction on the plea of guilty, would, in case this last course be adopted, publicly affirm the principle which it is desirable to have established, that to publish matter treasonable in itself does not cease to be an offence against

the State, because it is coupled with comments which in themselves appear made in good faith, and loyal; while the forbearance to press for punishment in the particular case may, without any detriment to the public interests, be assigned to the true cause, viz., that some communication had been held with the defendant, which, although unauthorised, might not unreasonably have been construed by him into a condonation of the past offence, on the strength of which he gave up the letter he had received.

12. If this course be adopted, or if the prosecution be abandoned in the case of the "Doorbeen," I respectfully submit that the same course should be followed in the case of the other newspaper, which merely copied the article in the "Doorbeen" containing the proclamation; the latter case presents no legal difficulty, the person indicted being the registered printer and publisher. But I think that it would not be right or becoming, that if the first and greater offender be permitted to escape punishment on the ground virtually that something like a condonation of his offence had taken place, the Government should press for the punishment of the lesser offender, whose offence, consisting solely in transcribing the article in the first paper, was committed before the supposed condonation of the original article.

13. I may add that the necessity for prosecuting such pernicious publications to the uttermost, for the sake of the example (which would otherwise, in my opinion, have superseded all the considerations above adverted to), does not appear to exist so urgently since the recent Press Act as it did previously. That Act affords a readier and more efficient mode of repressing the mischief, which previously could only be repressed by the punishment of the offender. Of course the passing of the Act affords no reason for leaving offences committed before the Act unpunished; but when merely considering the policy of prosecuting an offender after such a communication as that made to the defendant, the passing of the Act may remove one, and perhaps the strongest, reason for pressing the case, as if no such communication had been made.

I have, &c.,
(signed) *W. Ritchie*,
Advocate-General.

Calcutta, 17 July 1857.

From *C. Beadon*, Esq., Secretary to the Government of India, to *W. Ritchie*, Esq., Advocate-General.

Sir,

In reply to your letter, dated the 17th instant, I am directed to state, that the Governor-General in Council is not disposed to abandon the prosecution for seditious libel against the proprietor or publisher either of the "Doorbeen" or of the "Sultan-ul-Akhbar."

2. Under the circumstances stated in your letter, his Lordship in Council authorises you, or the Company's standing counsel in your absence, to undertake on the part of the Government not to press for punishment beyond a nominal fine if the defendants will plead guilty, and express their regret for having inadvertently published the proclamation purporting to have been issued by the chiefs of the revolted regiments at Delhi, and declare that in so doing they had no evil intention.

3. But if the defendants resist the prosecution, and attempt to justify their conduct, the Governor-General in Council is desirous that the prosecution should be proceeded with, and that the judgment of the Court on both the defendants should be pressed for.

4. A verdict of guilty will establish the principle, which cannot be doubted, that to publish treasonable or seditious matter is an offence, although such matter may be accompanied by comments apparently loyal.

I have, &c.,
(signed) *C. Beadon*,
Secretary to the Government of India.

Council Chamber,
20 July 1857.

MINUTE

MINUTE by the Honourable *J. P. Grant*.

1. IF I had known of the communications which had already taken place between the Secretary, Mr. Wauchope, the Commissioner of Police, and the editor of the "Doorbeen," when the question of the prosecution of that newspaper was first discussed, I should have been opposed to the prosecution. Thinking the prosecution proper on general considerations, and having no doubt in my own mind of the bad faith in which the article was written, I should nevertheless have thought it advisable for Government to have acted as though it had been pledged by the formal communications which had taken place. When a man is formally cautioned, and told to be less indiscreet another time, he is naturally led to conclude that he has been forgiven. When he finds himself disappointed in this expectation, his confidence, and the confidence of his friends, in our faith, I fear, may be shaken.

Reply to the Advocate-general's letter of the 17th July 1857, regarding the prosecution of the "Doorbeen" newspaper and another.

2. I think it a very hazardous step for Government to take, to press a State prosecution against the advice of its law officer; more especially so when that officer is a gentleman in whose judgment it has such great general confidence as we all have in Mr. Ritchie's judgment. The Advocate-general is daily exercised before the judges and juries on whose voices the fate of this case will rest; and the business, therefore, is one in which he should know best. The case does not seem to me to involve any question of state larger than this principle of policy, namely, that a Government should never undertake a political prosecution unless there is a strong probability of success, and a moral certainty of coming off without discredit. Mr. Ritchie's report gives me no confidence in these respects.

3. For both the above reasons I should have much preferred acting on the recommendation conveyed in the 10th and 11th paragraphs of the Advocate-general's letter, by giving the law officers the full discretion proposed, in both the cases mentioned.

4. If the defendants consent to plead guilty on the conditions stated, the practical effect of the two courses will not greatly differ, although the reason for not pressing for a substantial punishment which weighs with me individually will not be assigned. The defendants will probably plead guilty, but it is not certain that they will do so; and to meet both events I would have given the law officers the full discretion which the Advocate-general recommends to be given.

(signed) *J. P. Grant.*

19 July 1857.

No. 143.

From *F. C. Sandes*, Esq., Solicitor to the East India Company, to *C. Beadon*, Esq.,
Secretary to the Government of India.

Sir,

REFERRING to your letter, dated 13th June last, I have the honour to report, Home Department.
for the information of the Right Honourable the Governor-General in Council, that I submitted the papers which accompanied your letter, to the Advocate-general, and under his advice warrants were obtained against the following persons, viz. :—

1st. Ahmed Ali, the proprietor of the "Doorbeen" newspaper.

2nd. Mahomed Taheir, the registered printer and publisher of the "Sulta-ul-Akhbar" newspaper.

3rd. Shamsunder Sen, the registered printer and publisher of the "Samachar Soodaburshun" newspaper.

2. These three persons were arrested, and committed for trial on 17th June last, and indictments for the publication of seditious libels were preferred against them at the last sessions. These indictments were all returned true bills by the grand jury.

3. In consequence of your letter, dated 20th July, to the Advocate-general,
253. H 2 I communicated

I communicated with the legal advisers of Ahmed Ali and Mahomed Taheir; and upon the indictments against those defendants coming on for trial in the Supreme Court on Monday last, they pleaded guilty to the charges made against them, and entered into recognisances to appear and receive judgment when called upon.

4. The trial of Shamsóondér Sen, the other defendant, occupied the Court the whole of Monday last, and resulted in a verdict of not guilty.

I have, &c.,
(signed) *F. C. Sandes,*
Solicitor to the East India Company.

Fort William, 29 July 1857.

From the "Hurkaru" of the 5th September 1857.

EXTREME MEASURES.

To the Editor of the "Bengal Hurkaru."

Sir,

ALTHOUGH the gagged press of India may not be allowed to express its contempt for the authors of the resolution of 12 paragraphs, signed C. Beadon, and published in your paper of the 2d instant, thank God there is a free press in England, which will resound with shouts of execration at such cowardly imbecility.

With the blood of our murdered women and children scarcely dry, and when all the laws of honour and humanity call for vengeance, will Englishmen quietly submit to be told that they must not "embitter the feelings of the natives by the remembrance of needless bloodshed."

Needless, indeed! Could any amount of bloodshed of the treacherous fiends who murdered our women and children atone for the massacres of Cawnpore, Delhi, Jansee, and other places? Or does any Englishman believe, that but for the fear of those heroic soldiers and sailors, supported by our noble volunteers, whom they see at all times ready for them, the rebels would not repeat in Calcutta what has been done at Cawnpore and other places?

Away then with such dastardly feelings as are expressed in Mr. Beadon's "resolution." For every Christian church destroyed 50 mosques should be destroyed, beginning with the Jumma Musjid at Delhi; and for every Christian man, woman, and child murdered, a thousand rebels should bleed. Any weak measures, such as the resolution above referred to, will justly be attributed to fear, and will encourage further murders.

The British Government should tell the natives, "You treacherously betrayed the confidence we placed in you, and murdered our women and children when we were unprepared; but, by the God in whom we trust, you shall now feel England's just vengeance."

Such is the language that England will expect to be used to the murderers of her children, and not that we are to take care not to "embitter their feelings."

(signed) *Militaire.*

Bengal Club, 4 September 1857.

No. 1829.

From *C. Beadon*, Esq., Secretary to the Government of India, to *W. Sims*, Esq., Proprietor of the "Bengal Hurkaru."

Sir,

THE attention of the Right Honourable the Governor-General in Council having been given to a letter which appeared in the "Bengal Hurkaru" of the 5th instant, headed, "Extreme Measures," and signed "Militaire," I am directed
to

to state that the observations contained in that letter manifestly involve a breach of the conditions of your license, and to warn you that if any further observations or statements of a like nature be inserted in the paper the license will be withdrawn.

I have, &c.,
(signed) C. Beadon,

11 September 1857.

Secretary to the Government of India.

From the "Hurkaru" of the 14th September 1857.

ALL India is eagerly watching the progress of public opinion at home, the eventual declaration of which will decide the future policy of the Government. Our rulers are being put upon their trial, while a jury composed of many millions are weighing the evidence, preparatory to laying their heads together for the consideration of the verdict.

There are many good, honest, simple people in Calcutta who are both surprised and disappointed that popular indignation has not boiled up to a higher pitch. They are astounded at finding that Lord Canning has not been already ordered home in irons, and that Mr. Beadon has not been sentenced to be tarred and feathered and ridden upon a rail, previously to being placed in some extremely uncovenanted appointment under a native superior. We are very far from saying that these proceedings would not be appropriate in the cases in question; but we would say to our enthusiastic friends, "My dear sirs, you are too impatient. All in good time. Public opinion is not a mere dramatic performance, got up to make the overland papers exciting for your pleasure. It is a real earnest process, which takes time for its development, which must be expected to 'drag,' in dramatic language, now and then, which will not always produce startling effects at the most desirable moment, which keeps one waiting a long time between the acts, with nothing but 'apples and oranges and bill of the play' to fall back upon; but for all that there can be no rational doubt that the conclusion will find virtue triumphant, and that the villains of the piece will meet with their just doom." But we would add to our enthusiastic friends, "What more can you expect? What more would you have at the present moment? Have you not heard through private letters that the windows of the directors' town houses are by no means safe, and that any one of the Honourable Court showing himself at Bath or Cheltenham or elsewhere, where Anglo-Indianism most abides, would meet with a reception from the mob compared to which that of Marshal Haynau by the brewers was courteous and flattering? Do you not know that the Duke of Cambridge was heard to say that he should soon have the Indian army under his command? Are you not aware that the mode of communication adopted by the Government of the Crown towards the government of the Court at home has already become savage and dictatorial to an extent that six months ago would have aroused Leadenskill-street to a fury of resistance? Do you not see that the comparative satisfaction which has been manifested at the mode of meeting the mutinies has been founded upon want of knowledge of the real facts of the case? Is it not obvious to the stupidest fellow amongst you, that where our rulers have been praised, they have been praised for doing what they have left undone, or for not doing that which they have done most thoroughly and completely? If Her Majesty's Government approve eventually of the conduct of those gentlemen they will have to do so, not merely at the cost of their consistency, which they will care no more about than any other Government, but at the cost of their offices, which they will not be disposed to part with for such an incidental consideration as Mr. Halliday, or such a matter of detail as Mr. Beadon, to say nothing of one or two others of the same stamp, and a high functionary whom they have dragged into the same boat."

We ask the sanguine persons to whom we have addressed the above, what more they would have for the present? To us it seems that Parliament and the public at home have made immense progress towards a proper view of the question. In the House of Lords the Earl of Ellenborough and the Marquis of Clanricarde have addressed themselves to it with profound knowledge and sagacity. In the Commons, Mr. Disraeli has made one of the most masterly and statesmanlike speeches that he has ever made in his life; and the question has been met by all who took part in its discussion with a higher appreciation of its

importance. The press has done its work well, and has been steadily drifting in the right direction to a position which the "Times" has taken up with a decision and energy which sufficiently shows that the voice of the country is on the same side. Throughout the discussion, both in Parliament and the press, it is to the honour of all engaged in it, that no party feeling has been shown, however much may have been felt in some quarters. The utmost consideration has been manifested for the local Government under the difficult circumstances in which they were placed, and no signs of any personal prejudice have been made apparent. Even the "Press" and the "Examiner," the two most systematic opponents of the Company's Government, have handled Lord Canning as tenderly as if he was a baby; and have let Messrs. Beadon and Halliday alone with a magnanimity which is almost beyond belief, and suggests the suspicion that those usually well-informed journals have not yet acquainted themselves with the fact that there are such persons in existence.

In the meantime the accused are awaiting the verdict which is to decide their official fate, in a highly characteristic manner, such as we see described in the London police reports as "treating the charge with the utmost levity," or "evincing a hardened indifference to the situation in which they were placed that was too painful to behold." But among these it is only just to remark that the most elevated personage stands out in honourable relief. His grand calmness under the ordeal is comparable to nothing but the demeanour of Miss Madeleine Smith in similarly trying circumstances, which excited the wonder and admiration of the rapt people of Glasgow. Let us hope that the omen is a good one, and, for the sake of an illustrious name, and as good intentions as have ever paved India or any other place, that the charges which have been brought against the individual in question will be "Not proven."

From the "Hurkaru" of the 15th September 1857.

INDIAN ADMINISTRATION.

To the Editor of the "Bengal Hurkaru."

Sir,

In my letter of the 4th instant I said, "Thank God, there is a free press in England, which will resound with shouts of execration at such cowardly imbecility."

The steamer which arrived on the 10th instant brought us the "Times" of the 6th August, which contains a leader beginning, "There are some acts of atrocity so abominable that they will not even bear narration," and ending, "Let it be known that England will support the officers who may be charged with the duty of suppressing this mutiny, and of inflicting condign punishment upon the blood-thirsty mutineers, however terrible may be the measures which they may see fit to adopt."

The article in the "Times" from which the above quotations are made should be republished by Government, circulated to all civil and military authorities in substitution of Cecil Beadon's proclamation, dated 31st July, published in your paper of the 2d instant; and the article from the "Times" should be read also to every regiment in India, instead of Sir James Outram's order about the 10th regiment. Little did the "Times" know of Indian officials when he wrote, "Nothing more injudicious than Mr. Colvin's proclamation can be conceived."

What will the "Thunderer" say when he sees Cecil Beadon's proclamation and Sir James Outram's order from Dinapore; and that the latter has, since that order, been re-appointed Commissioner in Oude, besides commanding the Dinapore and Cawnpore divisions, thus superseding Havelock and Neill? The latter is unquestionably the man who ought to have been appointed Chief Commissioner in Oude, for the energy he has displayed from the time he confined the railway people here to the time he hanged the Brahmins at Cawnpore.

The imbeciles are not all out of England yet, however; the Board of Control has Vernon Smith, and the War Department has Lord Panmure. Witness the answer of the latter, through his organ in the Commons, to Colonel North's question on the 5th August: "Why it was that the Government were only sending 140 men to reinforce the artillery in India, when the number required to bring that force up to its war complement was 223?" Answer by Sir John Ramsden, *vide* "Times" of the 6th August:

"Sir

"Sir J. Ramsden said, that the artillery force was put under orders for India the same as the other troops, in compliance with a requisition of the East India Company, and the total force of artillery which they had asked for would be made up by the particular number which had been sent. (Hear, hear)."

That is, the artillery force was rendered inefficient before its departure for India, by reducing it even under the war complement required in Europe, that certain figures sent in by the East India Company might correspond with other figures in the estimates prepared at the War Department!

With such a specimen of the way things are conducted in that department, can any one be surprised that we meet with disasters, from the ruinous effects of which to the nation nothing saves us but the devoted courage of our soldiers and sailors? Yet these are the men whose feelings are being trifled with by old women in India.

The cavalry horses in the Crimea were starved because Sir Charles Trevelyan, at his desk in London, thought he could there form a more correct estimate of the forage required than the Commissary-general on the spot could do; and now we are to have the artillery sent out in an inefficient state because Vernon Smith and the Chair think that the war complement, which experienced artillery officers have laid down as necessary in Europe, is too large for a fine climate like India, where they no doubt suppose ready-made artillerymen grow in the rose gardens!

(signed) *Militaire.*

Bengal Club, 13 September 1857.

No. 1886.

From *C. Beadon*, Esq., Secretary to the Government of India, to *William Sims*, Esq., Proprietor of the "Hurkaru Press," No. 1, Hare-street.

Sir,

THE Right Honourable the Governor in Council has perceived with regret, that, notwithstanding the warning conveyed to you in my letter No. 1829, dated the 11th instant, there have appeared in the "Bengal Hurkaru" newspaper of the 14th and 15th instant observations directly and obviously calculated to bring the Government into contempt and to weaken its lawful authority, and therefore opposed to the conditions of your license.

The observations in question are contained in an editorial article in the "Bengal Hurkaru" of the 14th instant, beginning with the words, "All India is eagerly watching the progress of public opinion at home;" and in a letter under the signature of "Militaire" in the "Hurkaru" of the 15th instant, in which the objectionable expressions which led to the warning are repeated.

After this, the Governor-General in Council feels that he has no course left open to him but to revoke your license; and the license is accordingly hereby revoked.

It is not the intention of the Government to put in force against you the provisions of Sections 2 and 5 of Act No. XV. of 1857, unless after this date you use the "Hurkaru" press, types, or other materials, or articles for printing, or cause or allow them to be used.

I have, &c.,
(signed) *C. Beadon*,

18 September 1857.

Secretary to the Government of India.

No. 1887.

COPY of this letter forwarded to the Commissioner of Police for information.

From *William Sims*, Esq., Proprietor of the "Hurkaru" Press, to *C. Beadon*, Esq., Secretary to the Government of India.

Sir,

I BEG to acknowledge the receipt of your letter No. 1886, conveying to me the resolution of the Right Honourable the Governor-General in Council to withdraw my licence, on account of the letter signed "Militaire," which appeared

in the "Hurkaru" of the 14th, and an editorial commencing "All India," &c., which was published in the "Hurkaru" of the 15th instant.

I have to express my regret that any writing, whether communicated or editorial, should have appeared in the "Hurkaru" calculated, in the judgment of the Governor-General in Council, to bring the Government in to contempt; but I would beg you at the same time to represent to his Lordship in Council, that under my engagement with Mr. Blanchard, the editor of the "Hurkaru," the internal economy and management of the paper is entrusted to him, and that neither the letter nor the editorial to which objection has been taken passed under my review before publication.

Mr. Blanchard has put into my hands the resignation of his office as editor, and I enclose his letter in original for submission to the Governor-General in Council, together with my assurance, that if his Lordship in Council should so please, I am prepared to accept his resignation; and that in any case I will take care that the paper shall be hereafter so conducted as to be entirely free from offence to the Government, and from all comments tending in any way to call in question its motives or to obstruct its measures.

I trust that, as in the case of the "Friend of India," the Governor-General in Council may see fit to accept this assurance on my part, and to permit the renewal of the license, and the republication of the paper as soon as possible.

No. 1, Hare-street,
18 September 1857.

I have, &c.,
(signed) *W. Sims*,
Proprietor of the "Hurkaru" Press.

P. S.—I shall feel obliged by your returning to me Mr. Blanchard's resignation.

No. 1957.

From *C. Beadon*, Esq., Secretary to the Government of India, to *W. Sims*, Esq.,
Proprietor of the "Hurkaru" Press.

Sir,

HAVING laid your letter of the 18th instant before the Right Honourable the Governor-General in Council, I am directed to state, that the law having been vindicated, his Lordship in Council has been pleased to grant you another license, which is accordingly herewith forwarded; you are requested to return the former license, which has been revoked.

2. In again granting you a license, his Lordship in Council desires me to observe, that the responsibility for what is printed at any press rests upon the proprietor of that press, and upon him alone. It is the intention of the Government to enforce the law, but it will not interfere with the proprietor's choice of an editor.

The enclosure of your letter is herewith returned.

I have, &c.,
(signed) *C. Beadon*,
23 September 1857. Secretary to the Government of India.

No. 1942.

COPY forwarded to the Commissioner of Police for information.

No. 22 of 1857.—Judicial Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

We beg to forward for your Honourable Court's information copies of our proceedings consequent on the passing of Act XV. of 1857, to regulate the Establishment of Printing Presses and to restrain in certain cases the circulation of Printed Books and Papers.

Printing Presses.
Proceedings consequent on the passing of Act XV. of 1857.

Jud. Cons. 1857,
8th July, No. 4253
A/c. 22d July,
No. 4660.

Bombay Castle,
30 July 1857.

We have, &c.,
(signed) *Elphinstone*,
J. G. Lumsden,
A. Malet.

EXTRACT from the Proceedings of Government in the Judicial Department.

From the Secretary to the Government of India.

Sir,

I AM directed to forward for the information of the Right Honourable the Governor in Council a copy of the under-mentioned papers relating to Act XV. of 1857, viz:—

Jud. Cons., 1857,
8th July,
No. 4253 A.

Resolution of the Governor-general in Council of this date, Form of Application, Form of Declaration, Form of Licence, Instructions of this date to the Commissioner of Police for the town of Calcutta, and to request that corresponding steps may be taken by his Lordship in Council for carrying out the provisions of the Act in the Bombay Presidency.

2. The Governor-general in Council desires to be furnished with an annual return of presses worked, and of periodical works published in the Bombay Presidency, compiled from the returns furnished by the district authorities.

Fort William,
18 June 1857.

I have, &c.
(signed) C. Beadon,
Secretary to the Government of India.

Fort William, Home Department, 18 June 1857.

RESOLUTION.

WITH reference to Act XV. of 1857, the Governor-general in Council resolves that application for licences to keep or use any printing press or types, or other materials and articles for printing within the town of Calcutta, shall be made to the commissioner of police, and that the commissioner shall forward a copy of every such application to the Government of India in the Home Department, from whence licences will be issued.

No. 4253 B.

His Lordship in Council authorises the Lieutenant-governor of Bengal to grant licences under the said Act, and to appoint any person or persons to receive applications for such licences in any part of the Lower Provinces of Bengal, except the town of Calcutta.

His Lordship in Council authorises the Lieutenant-governor of the North-Western Provinces to grant licences under the said Act, and to appoint any person or persons to receive applications for such licences in any part of the North-Western Provinces of the Presidency of Bengal.

His Lordship in Council authorises the Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu, and the Tenasserim and Martaban Provinces, severally, to grant licences under the said Act, and to appoint any person or persons to receive applications for such licences, within the provinces, districts, and settlements under their control respectively.

His Lordship in Council resolves that the conditions upon which licences to keep or use any printing press or types, or other materials or articles for printing are ordinarily to be granted, shall be as follows:

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government, either in England or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British

Government, of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

His Lordship in Council resolves that a copy of every book, pamphlet, newspaper, or other work printed or published in the town of Calcutta, shall be immediately forwarded to the commissioner of police, by whom all such copies will be immediately transmitted to the Secretary to the Government of India in the Home Department.

Ordered, that a notification to the above effect be published in the "Calcutta Gazette," and that corresponding instructions be sent to the several local Governments and authorities noted in the Resolution.

(signed) C. Beadon,
Secretary to the Government of India.

FORM of APPLICATION, under Act XV. of 1857.

The application may be made either by the proprietor or the publisher, but both must not join in it. If there are two proprietors or two printers, both of whom are in the same Presidency, both should join in the application.

We, A. B. of _____, and C. D. of _____, being desirous of keeping [*in the case of an application by the printer say "using"*] a printing press, types, and other materials and articles for printing, hereby apply to you, the magistrate within whose jurisdiction we propose to keep the same, [*or the person appointed by the Governor-General in Council (or the Government of Bengal) (or by _____ authorised by the Governor-General in that behalf) for that purpose*] for the purpose of obtaining the sanction and license of the Government, under Act XV. of 1857.

The following are the particulars required by the 3d section of the Act to be specified in the application.

- Names of the proprietors of the printing press
- Profession - - - - -
- Place of abode - - - - -
- Names of persons intended to use the said printing press - - - - -
- Profession - - - - -
- Place of abode - - - - -
- Place where printing press, types, and other materials are intended to be used - - -

(signed) C. Beadon,
Secretary to the Government of India.

FORM of Declaration to accompany Application for Licence under Act No. XV. of 1857.

N. B.— BOTH proprietor and printer should join in this declaration, unless by reason of the absence of the former, or for other good reasons, the magistrates shall dispense with the declaration of one of them.

[*Here insert name, place of abode, and trade, profession, or other description of the person or persons making the declaration*] jointly and severally make [*makes*] solemn declaration and say [*says*] that A. B. [*here enter place of abode and profession*] [*and C. D., &c.*] [*and so on*] are [*is*] the proprietors [*proprietor*] of a printing press, commonly called the press now kept and used [*or intended to be kept and used*] at [*here enter name of the town and street, or other designation of place*] and of all the types and other materials and articles for printing belonging thereto, and that no person or persons is or are interested in the said press and materials, save and except the said A. B. [*and C. D.*] [*and so on*]; and these deponents [*this deponent*] further say [*says*] that the said A. B. [*and C. D.*] [*and so on*] [*or others*] use and are intended to use the said printing press, types, and other materials and articles, and that no person or persons is or are intended to be employed or engaged in keeping or using the said press and materials, save and except the said A. B. [*and C. D.*] [*and so on*] [*or others*].

(signed) C. Beadon,
Secretary to the Government of India.

FORM of Licence.

A. B. [*and C. D., &c.*] having applied to the magistrate [*or the Commissioner of Police, or other officer*] of _____ for sanction and license to keep and use a printing press, types, and other materials and articles for printing, and their application having been verified by solemn declaration as required by law, the Governor-General in Council [*or other authority*] does hereby authorise and empower the said A. B. [*and C. D., &c.*] to keep and use a printing press, types, and other materials or articles for printing at [*here enter the name of the place as stated in the declaration*] and not elsewhere.

The above licence is subject to the following conditions :

1. That no book, pamphlet, newspaper, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government, either in England or in India, or in any way tending to bring the said Government into hatred or contempt, to excite disaffection, or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper, or other work shall contain observations or statements having a tendency to create alarm or suspicion among the native population, of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work shall contain observations having a tendency to weaken the friendship towards the British Government, of native princes, chiefs, or states in dependence upon or alliance with it.

The above conditions apply equally to original matter and to matter copied from other publications.

The licence is subject also to such conditions, if any, as shall from time to time be published by order of the Governor-General in Council, as general conditions upon which licences to keep printing presses are to be subject.

Note.—The above licence will cease to have effect, and a new licence must be applied for, whenever any change shall take place in the proprietorship of the printing press, or other materials specified therein.

(No. 1143.)

From C. Beadon, Esq., Secretary to the Government of India, to S. Wauchope, Esq.,
Commissioner of Police, Calcutta.

Sir,

I AM directed by the Right Honourable the Governor-General in Council, with reference to Act XV. of 1857, to draw your attention to the notification issued from this Department on this date, and published in the "Calcutta Gazette," and to forward a form of application to be made, and declaration to be used, by persons requiring a licence to keep a printing press.

2. Immediately on receiving an application, you will, after having it verified, forward it to this Department, together with such information as you may possess relative to the character of the applicants, and the objects for which the press is sought to be set up, and your opinion whether the licence ought to be granted or not, and if granted, whether on the ordinary conditions alone, or on further and special conditions.

3. You will also be so good as to forward to this Department daily all books and papers furnished to you under section 6 of the Act.

4. It will be your duty strictly to enforce the provisions of the Act on the expiry of the period mentioned in section 10.

5. I am directed to take this opportunity of desiring that you will take care that the provisions of Act No. XI. of 1835 are fully carried out, and that, after due warning, all persons infringing them are prosecuted according to law.

6. You will also furnish this Department as soon as possible, and hereafter on the 1st May in every year, with a correct list of all newspapers and other periodicals (whether registered or not) now published in Calcutta, showing the names

of the printer and publisher, the place of printing and publication, and the date of declaration, and also a correct list of the proprietors of presses.

I have, &c.

(signed) *C. Beadon*,
Secretary to the Government of India.
Council Chamber,
18 June 1857.

(True copy.)

(signed) *C. Beadon*,
Secretary to the Government of India.

No. 4253 C. RESOLUTION passed by the Right Honourable the Governor of Bombay in Council on a Letter from the Secretary to the Government of India, dated the 18th June 1857, No. 871, with its accompaniments, relative to Act XV. of 1857.

THAT 500 copies of the accompaniments to Mr. Secretary Beadon's letter be immediately printed.

2. That the Magistrate in each zillah, and the Political Agent in each state subordinate to the Presidency of Bombay, be appointed to receive applications for licences under Act XV. of 1857.

3. That the Commissioner of Police for the town and island of Bombay be appointed to receive applications in Bombay for licences under Act XV. of 1857.

4. That the officers thus appointed be directed to forward the applications received to the Secretary to Government in the Judicial Department, with the information detailed in the 2d para. of Mr. Secretary Beadon's letter to the Commissioner of Police at Calcutta.

5. That the officers thus appointed be directed to prepare and submit to Government the annual returns of presses worked, and of periodical works published within their respective charges.

6. That a copy of Mr. Secretary Beadon's letter to the Commissioner of Police, Calcutta, be forwarded to the Commissioner of Police for the town and island of Bombay, with instructions to act in strict accordance with the directions given to Mr. Wauchope. The daily transmission of books and papers furnished under section 6 of the Act, ordered in para. 3 of Mr. Secretary Beadon's letter, to be made to the Secretary to Government in the Judicial Department.

7. That copies of Mr. Secretary Beadon's letter of 18th June 1857, No. 871, with its accompaniments, be sent to the Commissioner in Scinde, with instructions to take the necessary steps for carrying out the provisions of Act XV. of 1857, in the Province of Scinde, and to report his proceedings to Government.

8. That the proceedings of this Government, consequent on the instructions contained in Mr. Secretary Beadon's letter of the 18th June, No. 871, be reported to the Government of India.

(signed) *Elphinstone*.
J. G. Lumsden.
A. Malet.

1 July 1857.

RESOLUTION by the Honourable Board, dated 15 July 1857.

Jud. Cons. 1857. 22 July, No. 4660. *This Maratta publication, "The Duanprukash," which Mr. Davidson, the magistrate of Poona, has forwarded to Government, in conformity with the requirements of Act XV. of 1857, should be returned, with an intimation that the publisher has not applied for or taken out a licence, as required by section 1 of the said Act.*

By section 6, it is provided that a copy of all books and other papers, &c., shall be immediately forwarded to the magistrate. The zillah magistrates should

should be authorised to examine all such publications in the native languages, instead of sending them to Government for that purpose, to see that they do not contain objectionable matter, or infringe the conditions on which the licences have been granted. In all such cases when they infringe the Act, the magistrate should report the circumstances immediately for the orders of Government.

In respect to native publications in the town and island of Bombay, the Commissioner of Police should send them direct to the Oriental translator for examination, who will report to Government whether they contain anything to infringe the conditions on which the licence has been granted.

The Oriental translator to be directed accordingly.

Publications in the English language should of course be forwarded to the Secretary to Government in the Judicial Department.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

15 July 1857.

(True extract.)

(signed) H. L. Anderson,
Secretary to Government.

(True copies)

East India House, 3 May 1858.

(signed) *J. S. Mill,*
Examiner of India Correspondence.

EAST INDIA (PRESS).

P A P E R S

RELATING TO THE

PUBLIC PRESS IN IND

(*Mr. Milner Gibson.*)

Ordered, by The House of Commons, to be Printed,
4 May 1858.

[*Price 9d.*]

253.

Under 12 oz

EAST INDIA (ADMINISTRATION OF JUSTICE).

RETURN to an Order of the Honourable The House of Commons,
dated 25 June 1858 ;—for,

RETURN “ of the Names, Salaries, Date of Appointment, and Nature of Office of all
JUDICIAL OFFICERS of the CROWN, LAW OFFICERS of the CROWN, and other PRINCIPAL
OFFICERS connected with the ADMINISTRATION of JUSTICE in the EAST INDIES, and
specifying such Officers as shall have belonged to the Legal Profession in *England*,
Ireland, or *Scotland* respectively.”

East India House, }
2 July 1858. }

J. D. DICKINSON,
Secretary.

RETURN of the Names, Salaries, Date of Appointment, and Nature of Office of all JUDICIAL
OFFICERS of the CROWN, LAW OFFICERS of the CROWN, and other PRINCIPAL OFFICERS con-
nected with the ADMINISTRATION of JUSTICE in the EAST INDIES, and specifying such Officers as
shall have belonged to the Legal Profession in *England*, *Ireland*, or *Scotland* respectively.

Names of Judicial Officers of the Crown.	Office.	Date of Appointment.	Monthly Salary.
INDIA:			
			<i>Rs. a. p.</i>
The Hon. Sir J. W. Colvill, Knight, M.A.	Chief Justice, appointed Second Puisne Judge in 1848.	8 Dec. 1855	6,945 9 6
The Hon. Sir Arthur Buller, Knight, M.A.	Puisne Justice, appointed First Puisne Judge in 1848.	9 Nov. 1848	5,209 3 -
The Hon. C. R. M. Jackson, Knight, M.A.	Puisne Justice - - -	8 Dec. 1855	5,209 3 -
William Ritchie, Esq. - -	Advocate-General - -	5 Nov. 1856	3,448 8 -
T. H. Cowie, Esq. - -	Officiating Standing Counsel -	6 Feb. 1855	1,333 5 -
F. C. Sandes, Esq. - -	Attorney to the Company -	1 „ 1856	2,000 - -
W. Macpherson, Esq. - -	Master in Equity and Registrar	10 June 1848	3,400 - -
Henry Holroyd, Esq. - -	Prothonotary, Clerk of the Papers, Clerk of the Crown.	1 Jan. 1837	3,000 - -
C. S. Hogg, Esq. - -	Administrator-General - -	1 Mar. 1855	Paid by fees, &c.
Robert O'Dowda, Esq. -	Sworn Clerk - - -	1 Jan. 1837	1,200 - -
W. H. Smoult, Esq. - -	Taxing Officer and Record Keeper.	1 Dec. 1854	1,600 - -
Note.—All belonging to the English Bar.			
FORT ST. GEORGE:			
The Hon. Sir C. Rawlinson, Knight.	Chief Justice - - -	18 Dec. 1849	5,000 - -
The Hon. Sir A. Bittleston, Knight.	Puisne Judge - - -	18 Mar. 1858	4,166 10 8
T. S. Smith, Esq. - -	Advocate-General - - -	21 Sept. 1853	2,157 8 -
J. R. Boyson, Esq. - -	Solicitor-General - - -	7 Feb. 1857	1,175 - -
C. M. Teed, Esq. - -	Master in Equity - - -	- - 1845	525 - -
Ditto. - - -	Administrator-General - -	30 Jan. 1855	700 - -
J. B. Norton, Esq. - -	Clerk of the Crown - - -	- - 1845	525 - -
F. Orme, Esq. - - -	Deputy ditto - - -	- • - 1817	} 175 - -
Ditto. - - -	Examiner - - -	- - 1835	

Note.—All belonging to the English Bar. (continued)

2 RETURN :— JUDICIAL OFFICERS OF THE CROWN (EAST INDIES)

Names of Judicial Officers of the Crown.	Office.	Date of Appointment.	Monthly Salary.
BOMBAY :			<i>Rs. a. p.</i>
Hon. Sir Henry Davison, Knight.	Chief Justice - - -	24 Feb. 1858	5,000 - -
Hon. Sir M. R. Sausse, Knight	Puisne Judge - - -	- - - 1855	4,166 10 8
A. J. Lewis, Esq. - -	Advocate-General - - -	4 Feb. 1857	1,600 - -
J. P. Bickersteth, Esq. -	Company's Solicitor - - -	29 Aug. 1855	1,200 - -
J. L. Jenkins, Esq. - -	Master in Equity - - -	- - - -	525 - -
Ditto - - -	Examiner of Insolvent Debtors' Court - - -	13 July 1853	152 4 -
C. M. J. Pollock, Esq. -	Clerk of the Crown - - -	27 Aug. 1849	525 - -
W. Brookfield, Esq. - -	Deputy ditto - - -	1st Oct. 1853	175 - -
J. H. Standon, Esq. - -	Administrator General - - -	11 July 1855	850 - -

Note.—All belonging to the English Bar, with the exception of Sir M. R. Sausse, who belongs to the Irish Bar.

(True copies.)

East India House, }
2 July 1858.

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA
(ADMINISTRATION OF JUSTICE).

RETURN of the Names, Salaries, &c., of all JUDICIAL OFFICERS of the CROWN, LAW OFFICERS of the CROWN, and other PRINCIPAL OFFICERS connected with the ADMINISTRATION of JUSTICE in the EAST INDIES, and specifying such OFFICERS as shall have belonged to the Legal Profession in *England, Ireland, or Scotland* respectively.

(Mr. Grogan.)

Ordered, by The House of Commons, to be Printed,
6 July 1858.

EAST INDIA (JUDICIAL ESTABLISHMENTS, &c.)

RETURN to an Order of the Honourable The House of Commons,
dated 5 February 1857 ;—for,

COPY “ of the CIRCULAR of the Governor-General in Council, dated 28th February 1856, calling for Opinions on the REPORTS of the ROYAL COMMISSION ON JUDICIAL ESTABLISHMENTS in *India* :”

“ EXTRACTS from a MINUTE of the Lieutenant-Governor of *Bengal*, dated 30th April 1856, on the Administration of CRIMINAL JUSTICE, and on the Age and Inexperience of the Magistrates :”

“ And, COPY of MEMORIAL from the MISSIONARIES to the Government of *Bengal* on the State of that Province, with the Reply of Government.”

East India House, }
16 February 1857. }

JAMES C. MELVILL.

Note.—This is not a perfect Return to the Order. A copy of the “Circular Order of the Governor-general, dated the 8th February 1856,” and the “Extracts from Minute of the Lieutenant-governor of Bengal, dated 30th April 1856,” cannot be furnished, as those papers have not been received at the East India House. An extract from a Letter from the Government of India, dated 15th May (No. 42) 1856, stating the substance of the Circular above alluded to, is transmitted.

(*Sir Erskine Perry.*)

Ordered, by The House of Commons, to be Printed,
17 February 1857.

L I S T.

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East India House, }
16 February 1857. }

J. S. MILL,
Examiner of India Correspondence.

P A P E R S
ON THE
EAST INDIA JUDICIAL ESTABLISHMENTS.

EXTRACT Judicial Letter from Government of *India* to Court of Directors ;
dated 15 May (No. 42) 1856.

1. WE have received your despatch in the Legislative Department, No. 13, dated the 5th December last, in which you advise us of the despatch of 20 copies of the First Report of the Indian Law Commissioners, appointed in pursuance of sect. 28 of 16 & 17 Vict., c. 95, and request us to lose no time in taking the same into our consideration, and communicating to you our sentiments thereon.

2. These instructions of your Honourable Court have received our attention; we have furnished copies of the Report to the Governments of Bengal and the North-western Provinces, and to the Judges of the Supreme Court of Calcutta, and invited their opinions upon it, as well as those of the Governments of Madras and Bombay, and of the Judges of the Supreme Courts at those Presidencies. As soon as we receive the replies of these several authorities, or sooner if they are not furnished within reasonable time, we shall ourselves report thereon to your Honourable Court, as desired.

No. 1336.

From the Secretary to the Government of *Bengal* to the Secretary to the
Government of *India*, Home Department.

Sir, Fort William, 19 September 1856.

I AM directed to forward, for the consideration and orders of
the Supreme Government, the papers noted in the margin.*

* Memorial of the Missionaries re-
siding in and near Calcutta, date
2 September 1856.

I have, &c.

Copy of a Minute by the Honour-
able the Lieutenant-governor, date
18 September 1856.

(signed) *W. Grey*,
Secretary to the Government of Bengal.

To the Honourable *F. J. Halliday*, Esq., Lieutenant-Governor of *Bengal*.

The MEMORIAL of the undersigned MISSIONARIES of the Gospel.

Humbly sheweth,

THAT your Memorialists are Missionaries residing in or near Calcutta, and are connected with various Christian Churches.

That your Memorialists are in the habit of meeting every month for conference respecting such matters as relate to the progress of the Gospel in this country, and that Memorialists have frequently and carefully considered at these meetings the social as well as the spiritual condition of the people, and have had many opportunities of judging, both from personal observation and from intercourse with residents in the mofussil, what that condition really is.

That if your Memorialists believed that the people were suffering from no evils but such as are being removed, or that their unhappy moral character

was the sole cause of their calamities, your Memorialists would not come forward to address the Government on the subject. But your Memorialists have long entertained the conviction that the circumstances of the case call on them to overcome all repugnance to bearing their public testimony on behalf of the people; and it was with this conviction that your Memorialists sent to the Houses of Parliament, prior to the inquiry into Indian Affairs in 1852, a Petition which was laid before the Committees of the two Houses, and in which they thus stated their views :—

“ That your Petitioners have reason to believe that there is a vast amount of social disorganisation and of consequent suffering in the whole country. Much of this your Petitioners can trace to the fearful superstitions of the people, to their ignorance, and to the debasing effects of a popular mythology, which presents as objects of worship, deities, which are examples of every vice, and which ascribes sanctity and divine honour to a priesthood which is the principal curse of India. But speaking particularly of this great Presidency of Bengal, your Petitioners would represent to your Honourable House the existence of evils which it falls properly within the scope of Government to meet and to control. The evils resulting from the religions of the country your Petitioners believe have been greatly diminished since the commencement of Christian missions; and they willingly accord to the Government of India the praise of having abolished Satis, and checked Infanticide, Thuggism, and the once prevalent practice of Self-immolation. Your Petitioners do not now hear of the terrible occurrences with which their predecessors were familiar, of women drowning themselves publicly at the junction of the Ganges and the Jumna; of others sitting in pits to be smothered by heavy baskets of sand; and of devotees yielding themselves to death in the presence of multitudes, by means which require the active participation of heartless accessories. A more just apprehension of their duty by the judicial officers of Government has restrained such suicides, by dealing with the accessories as guilty of murder, and the enactment of several wise and salutary laws has restrained the other classes of crimes which your Petitioners have mentioned. Your Petitioners believe, however, that these results must, in a large measure, be ascribed to the growing influence of Christian missions, which have been blessed, no less in raising the standard of piety and justice among the Europeans in India, than in the enlightenment of the consciences of the natives. But there are other evils, with which the Government as such has to contend, and which your Petitioners regret to declare appear to be on the increase. Your Petitioners greatly fear that it will be found, on inquiry, that in many districts of Bengal, neither life nor property is secure; that gang robberies of the most daring character are perpetrated annually, in great numbers, with impunity; and that there are constant scenes of violence in contentions respecting disputed boundaries, between the owners of landed estates.

“ That your Petitioners submit to your Honourable House that the radical cause of these evils is the inefficiency of the police and the judicial system. Your Petitioners find that the sole protection of the public peace, in many places, is a body of policemen (called village chowkedars), who are in fact the ministers of the most powerful of their neighbours, rather than the protectors of the people. The body of peace officers appointed and paid directly by the State will, on inquiry, be found to be entirely insufficient for the great districts for which they are provided; but, few as they are, they also will be found to be oppressors of the people. The records of the criminal courts, and the experience of every resident in the districts of Bengal, will bear testimony to the facts that no confidence can be placed in the police force (either the regular force or the village chowkedars); that it is their practice to extort confessions by torture; and that, while they are powerless to resist the gangs of organised burglars, or dacoits, they are corrupt enough to connive at their atrocities.

“ That your Petitioners believe that a strict and searching inquiry into the state of the rural population of Bengal would lead your Honourable House to the conclusion that they commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures and the extortion of the zemindars, aggravated by the inefficiency and the cruelties of the peace officers, who are paid by the chowkedarry tax or by the Government.

“ That

“ That your Petitioners believe that a well-organised police, with a more extensive and more effective judicial system, would do much to check the outrages that arise from disputes about land. But your Petitioners must also ascribe much of the evil which these outrages produce to the causes by which primarily such disputes are occasioned. Your Petitioners must declare that, from the want of a complete survey of the estates of the country, of a Registration Act to settle titles, and of laws to obviate the infinite mischief of the universal system of secret trusts, there is so much uncertainty about the landed tenures and boundaries in Bengal, that capitalists generally dread to purchase such property, and those who do, too frequently keep bodies of clubmen to take and keep by force the extent of land to which they deem themselves entitled. Between contending proprietors, amidst scenes of constant conflict, and a prey to the corruption and the oppression of the police, the tenant is reduced, not merely to beggary, but also, in many cases, to a state of the most abject and pitiable servitude.”

That a separate petition, signed by 1,800 Christian inhabitants of Bengal, was presented to Parliament in 1853, in which they stated that the “ police of the Lower Provinces totally fails as respects the prevention of crimes, apprehension of offenders, and protection of life and property ; but it is become an engine of oppression, and a great cause of the corruption of the people ;” “ that torture is believed to be extensively practised on persons under accusation ;” and that “ all the evil passions are brought into play, and iniquities of all kinds, both by people and police, are resorted to ;” and this petition also bore strong and emphatic testimony to the wretched condition of the people, and the unsatisfactory state of the judicial system.

That your Memorialists noticed, with extreme regret, that the Parliamentary inquiry into Indian affairs was brought to a close, before this subject of the social condition of the people was opened.

That since that period, many circumstances, and particularly many recent publications have deepened the conviction of your Memorialists, that the social condition of the people of Bengal is deplorable in the extreme, and that the representations in their petition fell short of the truth.

That your Memorialists have perused with the deepest interest, a Minute by your Honour, on the Police and Criminal Justice in Bengal, in which the existing system is most faithfully and powerfully described. Your Memorialists have noticed particularly the following statements : that “ for a long series of years, complaints have been handed down from administration to administration, regarding the badness of the mofussil police under the Government of Bengal, and as yet, very little has been done to improve it ;” that, “ throughout the length and breadth of the country, the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money ;” that “ it is a lamentable but unquestionable fact, that the rural police, its position, character, and stability as a public institution, has, in the Lower Provinces, deteriorated during the last 20 years ;” that “ the criminal judicatories certainly do not command the confidence of the people ;” that, “ whether right or wrong, the general native opinion is certainly that the administration of criminal justice is little better than a lottery, in which, however, the best chances are with the criminal, and this is also very much the opinion of the European mofussil community ;” that “ a very small proportion of heinous offenders are ever brought to trial ;” that “ it now appears that half of those brought to trial are sure to be acquitted ;” and that “ peculiar and accidental circumstances, partly temporary and partly arising out of the constitution of the civil service, have, at this moment, made the inexperienced condition of the magistracy more observable than it has ever been before, while it seems certain that the evil during several successive years is likely very seriously to increase ;” and your Memorialists attach great weight to these remarkable and important declarations.

That your Memorialists, when the Government of the Marquis of Dalhousie approached its close, expressed, in their address to his Lordship, their sense of his extraordinary exertions in the execution of his arduous duty, and of the wisdom, decision, and success which had marked his career ; but your Memorialists were aware, that the pressure of many other urgent subjects, had prevented that distinguished statesman applying his powerful and vigorous mind to

the social condition of the people of Bengal, and your Memorialists were so deeply impressed with the importance of this subject, that they took the liberty of directing his Lordship's attention to it, in the hope that, if it should ever be discussed in the British Parliament, he would bring to bear upon it his ability and influence. Your Memorialists stated in their address :

"The conviction that even after returning to England, and commencing afresh to take an active part in the labours of the Imperial Legislature, your Lordship will always endeavour to promote the welfare of India, encourages us to give expression to the wish that your Lordship's special attention might be directed to the lamentable condition of the peasantry of Bengal, to the causes of that condition, and to the best means of ameliorating it. We take the liberty of alluding to this subject, not merely because we know, both from our own experience and from the testimony of other missionaries, that the present working of the zemindari system is one of the most powerful obstacles to the spread of Christianity in this country, but also because we are convinced that it is a great and growing evil, particularly when considered in connexion with the general character both of zemindars and ryots. It encourages the concealment, and consequently the commission of crime ; it impedes the administration of justice ; and whilst it emboldens the rich to set the law at defiance, it leads the poor to despair of obtaining redress, even against the greatest wrongs that may be inflicted upon them. We have reason to believe that a spirit of sullen discontent prevails even now among the rural population, from an impression that Government is indifferent to their sufferings. The zemindari system may be convenient as a fiscal measure ; but on the other hand, the experience of 60 years proves that it tends to demoralise and pauperise the peasantry, and to reduce this fair and fertile land to a condition similar to that under which Ireland suffered so grievously and so long. We do not presume to offer any practical suggestion to a statesman like your Lordship ; we are aware that the subject is as perplexing as it is distressing ; but we are not without a hope that your Lordship's sagacity and experience may succeed in devising a remedy, even for this all but hopeless evil. We only venture to make the additional remark, that the representations of zemindars and indigo planters, however correct an exposition they may be of their own interests and wishes, cannot be expected to be otherwise than one-sided, and therefore do not fairly and fully set forth the wrongs and wants of the peasantry."

That your Memorialists would now look to His Lordship the present Governor-general in Council, and the Legislative Council of India, at this season of peace and financial prosperity, to deal with these important matters with adequate earnestness, and with a view to comprehensive and complete reforms. Your Memorialists feel themselves bound to declare that they view with alarm as well as sorrow the continuance of the evils which they have so long deplored, and the effects of which are seen in the demoralisation and the sufferings of the people, and that they believe that measures of relief can with safety be delayed no longer ; as, from the information they have acquired, they fear that the discontent of the rural population is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds.

That a Bill called an Affray Bill was read a first time in Council about three years ago, the object of which was to render liable for affrays, not merely the ignorant clubmen who are hired, or the dependent tenants who are compelled to take part in them, but those also for whose benefit they are undertaken, and without whose connivance they would not occur ; and that your Memorialists believe that the official information by which the necessity for that measure was proved to the Government in 1853, would satisfy the present Government that practices are common in the mofussil of reckless lawlessness and violence, and that there is such an indifference to human life and suffering, as indicates a fearful state of demoralisation and anarchy.

That, with a view to ulterior measures, your Memorialists are earnestly desirous that a Commission may be appointed, consisting of men of independent minds, unbiassed by official or local prejudices, to institute a searching inquiry into all the causes that now affect the condition of the population, especially of the zemindars and planters, and the judicial system ; the powers and influence and earnings of the labouring classes, and the proportion which these bear to the

the rent that they are compelled to pay; the harassing exactions and oppressions to which the poor are subject; the landed tenures; the extension of the Government sales of ardent spirits and intoxicating drugs among a people once celebrated for temperance; the actual extent to which education is provided for the masses; and the best means of alleviating the sufferings and elevating the condition of the people.

That your Memorialists are encouraged to hope for the appointment of this Commission, by the readiness with which the Government of Madras issued a Commission to inquire into the practice of torture, the impartiality with which its proceedings were conducted, and the satisfaction with which that measure was regarded by the Legislature and the people of Great Britain.

That your Memorialists, therefore, pray that your Honour will forward this Memorial to the Governor-general in Council, and will recommend to his Lordship in council to issue a Commission of the character indicated by your Memorialists, for the purposes they have ventured to specify, and with such additional objects and duties as your Honour's experience and familiar knowledge of this Presidency may suggest.

That your Memorialists earnestly pray that your Honour and his Lordship in Council may, in this measure, and in all the arduous duties of the Government of this country, be guided by wisdom from Him by whom kings reign and princes decree justice.

And your Memorialists will ever pray.

(signed) *A. F. Lacroix*, London Missionary Society.
George Pearce, Baptist Mission.
Alexander Duff, Free Church of Scotland.
Timothy Sandys, Church Missionary Society.
D. Ewart, Free Church of Scotland.
J. Long, Church Missionary.
J. Wenger, Baptist Mission.
G. G. Cuthbert, Church Missionary Society.
Edward Storrow, London Missionary Society.
William White, Church of Scotland Mission.
J. Vaughan, Church Missionary.
John Pourie, Free Church Missionary.
John Trafford, Baptist Missionary Society.
Lal Behari De, Free Church of Scotland.
John S. Beaumont, Free Church of Scotland.
Behari Lal Singh, Free Church of Scotland.
Edward B. Underhill, Secretary of Baptist Missionary Society, London.
G. E. Yate, M.A., Kidderpore.
James Thomas, Baptist Missionary Society.
Joseph Mullens, London Missionary Society.
Charles Bennett Lewis, Baptist Missionary Society.
William Henry Hill, London Missionary Society.
James Ogilvie, Established Church of Scotland.
Thomas Gardiner, Free Church of Scotland.
Carapiet Chater Aratoon, Baptist Missionary Society.

Calcutta, 2 September 1856.

MINUTE by the Honourable Mr. *Halliday*.

THIS is a Memorial which has been submitted to me by certain Christian missionaries concerning the state of the provinces subject to the Government of Bengal, with a request that I will lay it before the Right Honourable the Governor-general in Council.

Memorial from certain Christian Missionaries, on the state of the rural population.

2. It will be seen that the Memorialists declare their belief that "in many districts neither life nor property is secure, that gang robberies of the most daring character are perpetrated annually in great numbers, with impunity, and that there are constant scenes of violence in contentions respecting disputed boundaries between the owners of landed estates."

3. The Memorialists ascribe these evils to "the inefficiency of the police, and the judicial system," regarding the former of which they inveigh against the village chowkeydars and the stipendiary thannah police as corrupt, oppressive, and incompetent.

4. The working of the zemindari system is considered by the Memorialists as one of the most active causes of evil. It encourages, they say, the concealment, and consequently the commission of crime. It impedes the administration of justice; and whilst it emboldens the rich to set the law at defiance, it leads the poor to despair of obtaining redress even against the greatest wrong that may be inflicted on them. "It tends," the Memorialists add, "to demoralise and pauperise the peasantry, and to reduce this fair and fertile land to a condition similar to that under which Ireland suffered so grievously and so long."

5. From all this it has resulted, in the judgment of the Memorialists, that the rural population of Bengal commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures, and the extortion of the zemindars, aggravated by the inefficiency and the cruelties of the peace officers, who are paid by the chowkedarry tax, or by the Government.

6. And besides the causes above assigned, the Memorialists attribute much of the lawlessness of which they complain to "the want of a complete survey of the estates of the country, of a Registration Act to settle titles, and of laws to obviate the infinite mischief of the universal system of secret trusts," from which wants arise constant conflict and violence, and the tenant is reduced, not merely to beggary, but also in many cases to a state of the most abject and pitiable servitude.

7. In effect the Memorialists declare the social condition of the people of Bengal to be "deplorable in the extreme," and affirm that a spirit of sullen discontent prevails among the rural population, from an impression that the Government is indifferent to their sufferings, that the discontent is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds.

8. This being, in the opinion of the Memorialists, the actual state of things, they go on to express their earnest desire that a Commission may be appointed consisting of men of independent minds, unbiassed by official or local prejudices, to institute a searching inquiry into all the causes that now affect the condition of the population, and "especially the following eight subjects:"

1st. "The state of the police and the judicial system."

2d. "The powers and influence of the zemindars and planters, and how those powers are used."

3d. "The resources and earnings of the labouring classes, and the proportion which these bear to the rent that they are compelled to pay."

4th. "The harassing exactions and oppressions to which the poor are subject."

5th. "The landed tenures."

6th. "The extension of the Government sales of ardent spirits and intoxicating drugs among a people once celebrated for temperance."*

7th. "The actual extent to which education is provided for the masses;" and,

8th. "The best means of alleviating the sufferings and elevating the condition of the people."

9. Notwithstanding the authority which cannot but attach to the respected names appended to this memorial, and notwithstanding the estimation with which the motives and purposes of these excellent and useful missionaries must certainly be regarded, it is impossible for any one who has had the large and frequent

* The Memorialists do not seem to be aware that there is no such thing as a Government sale of ardent spirits and intoxicating drugs. The Government largely taxes the sale of such articles, with a view to discourage it. The Government sells nothing of the kind except opium, which is a small matter, subsidiary to the general monopoly, and evidently not the article to which the Memorialists allude.

frequent opportunities which I have enjoyed of acquainting myself by personal intercourse with all classes, native and European, in and out of the service, and thereby acquiring a knowledge of the real state of things, to admit, as a correct representation of facts, the picture which is drawn in this Memorial of the general condition of the rural population of Bengal.

10. It is a picture, founded doubtless on some isolated facts, which have occasionally come to the knowledge of missionaries in the mofussil, and it also represents some circumstances which might, and no doubt sometimes do happen in the present state, not only of the law, which admits of speedy alteration, but also of national morals, education, and public opinion, which cannot be speedily amended by the Government, but must await the comparatively slow advance of general civilisation and improvement. But it is not, in my judgment, by any means an accurate representation of the state of the actual relations between landlord (or planter) and tenant, and of the condition of the rural population over the most part of the territory to which it purports to apply; and, above all, I must take leave to express my absolute dissent from the statement made, doubtless in perfect good faith, that the people exhibit a spirit of sullen discontent on account of the miseries ascribed to them, and that there exists among them that bitter hatred to the Government which has filled the Memorialists, as they declare, "with alarm as well as sorrow."

11. Great stress is laid by the Memorialists on the inefficient condition of the police, and the defects of the judicial system. They call, first and foremost, for inquiry into these, in preference to all other subjects of investigation, and they designate them, and with perfect truth, the radical cause of the social evils of which I am far from denying the existence, though I am not disposed to look upon them as so dark and deplorable as they appear in the painting of the Memorialists. But why appoint a commission to inquire into such matters as those? They have been inquired into repeatedly, and their defects thoroughly examined and exposed. Measures for the improvement of both the police and the judicial system are now, as is well known, under the consideration of the Executive Government, and likely soon to be presented to the Legislature. The time present is, as regards those things, not the time for investigation but for action, and anything that is likely to delay action on those points will impede the very consummation which the Memorialists so greatly desire. Nothing would so surely or so long delay the completion of the necessary improvements in the police and in the judicial system, as a commission for a new inquiry into those subjects, and on that ground alone further inquiry is to be deprecated.

12. But it is certain, no less from the statements of the Memorialists themselves than from the obvious nature of the case, that reform in these two important points will go a great way towards removing the evils which undoubtedly affect the condition of the rural population. This is a country in which, owing to imperfect civilisation, scanty knowledge, and a low standard of morality, to habits of selfish domination in one part of the population, and of slavish submission in another part, might is at all times very apt to be made right. It is a country, therefore, in which the poor will greatly need, for their protection against the rich, a strong and incorrupt police, and a pure, simple, and accessible judicial system. As soon as the police is put on as reasonably sound a footing as the condition of the country allowed, and as soon as the judicial system has been simplified, cheapened, and rendered easily accessible, the greater part will have been done of all that a Government can at present do in this country, towards the protection of its power against its richer subjects; and when the law of landlord and tenant is amended, a subject on which I have been recently occupied in inquiry, and regarding which a project of law will shortly be placed before the Legislative Council, I know not what more will remain in the way of legislative improvement to meet the fullest wishes of the Memorialists, and of all who, like the Memorialists, are benevolently intent on raising and bettering the material condition of the Bengal agriculturalist.

13. That the Government is actually engaged in measures for this purpose is notorious. They may perform the duty well or ill, as fast as can be expected, or with unreasonable delay; whatever be the case, no one can say that the Memorialists, and others having the same good purposes as the Memorialists, ought not to assist by information and suggestions, and to stimulate and quicken

by earnest appeal and exhortation. On the contrary, all they can do in these ways must be useful, and can seldom fail to be acceptable. At all events it must tend to improve the forthcoming measures, and to accelerate their completion. And when they shall have been completed, with the aid of all well-informed and public-spirited persons like the Memorialists, we shall, I hope, have done all that present circumstances place within our power towards giving to the ryot a just and fair rule of conduct for the mutual relations between himself and the zemindar; a police capable of protecting him against violence and aggression; and a judicial system suited to his position, his wants, and his means, and available, without unreasonable delays and impediments, to afford him redress against his most powerful oppressors. But to appoint a commission to inquire into these matters, is certainly not the way to hasten the accomplishment of the business in hand, but to retard it.

14. It must be obvious, I think, that while some of the questions on which the Memorialists propose to employ Commissioners of Inquiry, are such as require at present no investigation, others are such as no investigation would be likely to bring to a profitable or satisfactory termination. Upon "the state of the police and judicial system," inquiry has been pushed to a sufficient extent; and action, the consequence of inquiry, is what is now most urgently called for. Upon "the actual extent to which education is now provided for the masses," no inquiry could give fuller information than has resulted from the investigations of Mr. Adam; in consequence of which it has been provided, in the educational measures dictated by the Home Government, and only just coming into operation here, that the education of the masses in the vernacular shall be a large and important part of the care and the expenditure of Government. In this, as in the previous subject named by the Memorialists, investigation seems to have been suggested just when the time for investigation has passed away, and when it would be more to the purpose to assist and accelerate the measures actually in progress, than to impede them by proposals for inquiry. And what sound practical purposes could possibly be served in the present state of the case by sending commissioners to open up such subjects of investigation as "the powers and influence of the zemindars and planters, and how those powers are used," or the resources and earnings of the labouring classes, and the proportions which these bear to the rent that they are compelled to pay; or, again, "the harassing exactions and oppressions to which the poor are subject?" The great matter in hand for the classes affected by these questions, is to have a good police, a good law of landlord and tenant, and a good judicial system; and when these are secured, the rest (so far as the state of morals and civilisation permit) will follow of itself. And for morals and civilisation we can but look to the results of education, now well known to be in active prosecution by Government, and to the exertions of the Memorialists, and the other similar public benefactors.

15. Of the other subjects of inquiry proposed by the Memorialists, one, that relating to the Excise revenue, seems, as I have said, to have been suggested under a mistaken view of facts. There are no such things as "Government sales" of "ardent spirits and intoxicating drugs;" and it is not possible that the taxing heavily of a given commodity should increase* its consumption, except by encouraging smuggling, which is not the statement made, or in fact the thing aimed at by the Memorialists. The other two subjects of inquiry are the "landed tenures," and "the best means of alleviating the sufferings and elevating the condition of the people;" of which the first, however interesting, seems to me to have but a remote bearing on the matter in hand; and the other

* The Board of Revenue, in a recent letter to Government, have written on this subject in the following terms:—"To whatever causes the increase of the consumption of intoxicating liquors in this country (a fact which is universally admitted) is attributable, the Board unhesitatingly deny that the imposition of a tax upon the community can have anything to do with it. They quite agree with Mr. Atherton, that, far from fostering or encouraging, in the slightest degree, a habit so pernicious to the health, and injurious to the welfare of its subjects, it should be the duty of every wise Government, by all just means, to suppress it; but they believe that prohibitory legislation on such a subject would be ineffectual, and that all that the Government can do is, to impose as heavy a tax on spirits as is practicable, without leading to illicit manufacture."

other is a profound and extensive question, the solution of which is not more desirable in India than in any other country, but which has in no country been sought, and in none surely is likely to be attained, by the labours of any commissioners who could possibly be selected for the purpose.

16. Lastly, I should apprehend that even if it were thought proper to enter upon these delicate, intricate, and extensive investigations, it would be a matter of extreme difficulty to select such an agency as should fulfil the conditions imposed by the Memorialists, and at the same time be satisfactory to the various classes liable to be affected by their Report, or to the Government which would have to act upon it hereafter. The commissioners are to be "men of independent minds, unbiassed by official or local prejudices." There must, therefore, be no Government officers on the commission; no zemindars, or the agents of zemindars; no indigo planters, and no merchants who are of one mind and one interest with indigo planters. There can be no missionaries employed in the inquiry with any chance of giving satisfaction to indigo planters or zemindars; and, in short, every one seems to be excluded who has knowledge of the language and the country, or experience of the people. From the inquiries of commissioners destitute of these important qualifications, not even the Memorialists themselves could, I suppose, anticipate any happy results.

17. In forwarding therefore this Memorial, in order to its being laid before the Right Honourable the Governor-general in Council, I am unable to support its prayer with any favourable recommendation. On the contrary, I would earnestly deprecate the appointment of a Commission of Inquiry such as the Memorialists seek for, as unnecessary for the object they have in view, and likely to prove, if attempted, tedious, expensive, and unsatisfactory, possibly dangerous, and certainly mischievous, as raising, among a credulous and ignorant population, expectations which it could never fulfil; and obstructive to the cause of sound and safe reform, by evoking and setting in open and clamorous hostility to each other all kinds of class and professional interests and opinions; and, by postponing to the distant close of a difficult and intricate, and possibly stormy and tumultuous investigation, important measures of improvement, which, when matured, may fairly be expected to remove most of the evils of which there is now reason to complain, and which are known to be either now in actual preparation, or are about soon to be brought forward for consideration.

18 September 1856.

(signed) *Fred. Jas. Halliday.*

(True copy.)
(signed) *W. Grey,*
Secretary to the Government of Bengal.

No. 1368.

From the Secretary to the Government of *Bengal*, to the Secretary to the Government of *India*, Home Department (General).

Sir,

Fort William, 27 September 1856.

IN continuation of my letter No. 1336 of the 19th instant, I am directed to forward herewith, a petition,* in original, from the Committee of the British Indian Association. * Dated 20th inst.

I have, &c.
(signed) *W. Grey,*
Secretary to the Government of Bengal.

To the Honourable the Lieutenant-Governor of *Bengal*.

The PETITION of the Committee of the BRITISH INDIAN ASSOCIATION.

Showeth,

THAT your Petitioners have read with much interest, a Memorial lately addressed to your Honour by a body of Christian missionary clergymen, praying for a Commission of Inquiry into the causes that affect the condition of the population under your Honour's Government.

That your Petitioners have been intending and preparing the materials to address your Honour with an object precisely similar; and have with that view been making numerous inquiries, by the result of which your Petitioners hoped to strengthen their prayer for a Commission of Inquiry.

Your Petitioners' intentions however, and efforts having been to some extent forestalled or anticipated by the missionary Memorialists, your Petitioners deem it their duty at once to unite their voices in support of the prayer of those intelligent and philanthropic gentlemen.

Not that your Petitioners acquiesce in all the conclusions arrived at by the missionaries, but which your Petitioners forbear now to criticise, inasmuch as your Petitioners cordially agree in the vital importance and necessity for a searching, patient, and unbiassed inquiry into the social evils of these provinces, viz.; whether they be to any, and what extent, caused by the landed system, the planting interest, the matrajuinee dealings, the foudarry and dewanny administration; also whether to any, and what extent, by the well-intended efforts and zeal of professional Christian missionaries.

All this your Petitioners earnestly believe to be legitimately subject for inquiry if only to determine the anxious and never-ending controversies and recriminations between the different classes whose position or property (or both united) may enable them to influence the fate of the rural population; but, much more, with the higher object of learning how and where to apply the remedy for the long talked of and generally admitted epidemic social evils which infest these provinces.

Your Petitioners therefore pray that the prayer of the Memorial be granted and carried into effect by your Honour, by the issuing of a commission (which your Petitioners humbly conceive it is quite competent for your Honour to do, without reference to the Government of India); such commission to sit in Calcutta, to receive evidence and information. Also, that your Honour will cause a Bill to be introduced into the Legislative Council (as early as conveniently may be), having for its object to furnish the commissioners with powers to take evidence on oath, to summon witnesses, to punish contempts, and otherwise to assume a judicial character (although not for a judicial purpose), without which powers your Petitioners verily believe the efforts of the commissioners could be but weak and without important results. Your Petitioners also suggest, that such a Bill contain an indemnity for all persons willing or invited to give testimony before the commissioners.

Your Petitioners further pray, that a majority of the commissioners be non-official, *i. e.*, persons wholly unconnected with place or office; and that a moiety of those non-official commissioners be natives of Bengal.

And your Petitioners, as in duty bound, will ever pray, &c.

(signed) *Issur Chunder Singh,*

Honorary Secretary, British Indian Association.

British Indian Association Rooms,

20 September 1856.

MINUTE by the Right Honourable the Governor-General.

Memorial of Missionaries on the condition of the population of Bengal.

I HAVE read the Memorial upon the social condition of the people of Bengal, addressed by the missionaries of the Calcutta Conference to his Honour the Lieutenant-governor of Bengal, with the attention which is due to the importance of the subjects which it treats, and to the excellent and earnest men who are the authors of it. I have also read the minute which the Lieutenant-governor has recorded upon that Memorial, and in which I generally concur.

His Honour has since communicated to the Government of India a petition from the Committee of the British Indian Association, to the same effect as the Memorial.

The Memorialists, after drawing a painful and lamentable picture of the condition of the rural population of Bengal, of the violence, injustice, and oppression to which they are exposed, and of the sullen discontent, and even hatred towards their rulers which has been engendered in them, express a desire that a commission may be appointed to inquire into the causes of this state of things.

They

They ask that such commission shall consist of men of independent minds, unbiassed by official or local prejudices.

I cannot adduce, in support of my opinions upon this subject, the experience derived from personal intercourse with the natives, and from frequent opportunities of observation, spread over many years, which has enabled the Lieutenant-governor of Bengal to speak upon it with such high authority; but I can say with perfect sincerity, that after availing myself to the best of my power of such information and testimony as is within my reach, I am led to the conclusion that the statement of the Memorialists, if it is intended to be a general representation of the prevailing condition of the people of Bengal, is greatly overcharged.

Nevertheless, I am as thoroughly convinced as the Memorialists themselves can be, that the condition of the people of Bengal cries out loudly for amendment, and that this amendment is in a great degree in the hands of the Government; and the same evidence which has given me this conviction has also satisfied me that nothing more is needed in the way of inquiry on the part of the Government of India, in order to set amendment in motion; that so far as information is concerned, the Government of India possesses enough to guide it surely and safely to the first great measures of reform in the administration of justice and in the police; and that to incur delay on the ground that further investigation of the present palpable deficiencies under these heads is requisite, would be to waste time under false pretensions.

The Memorialists will not, I trust, have long to wait for proof that in regard to those two means of amelioration, the improvement of the police and of the judicial system, the matter is ripe for action.

So also with respect to the law of landlord and tenant in Bengal, a subject upon which the Lieutenant-governor has already a Bill in preparation.

So also with education. The Memorialists would inquire, through a commission, as to the actual extent to which education is provided for the masses. The impulse given to education, and the system presented for its extension to every class, by the despatch of the Honourable Court of Directors, of the 19th of July 1854, cannot be unknown to the Memorialists. The progress made in the two years that have since elapsed may not be such as to satisfy the aspirations of zealous men, eager for the advancement of true knowledge amongst the benighted people whose spiritual and intellectual enlightenment is the object of their daily care and labours. I do not blame their impatience. That they should watch and urge the Government of India in the carrying out of the great work of secular education is not only natural, but desirable; but I deny that there is need of Commissions of Inquiry either to ascertain what has been the result of a system a few months old, or to establish that the necessities and deficiencies which called that system forth still have a real existence. The Memorialists may be sure that the Government of India are thoroughly alive to the fact, that all improvements of police or laws must fail of their full effect, if the ignorance and intellectual deficiency of the people should remain unassisted and unabated; and that the duty which this imposes upon the Government, in regard to the vernacular education of the rural population of Bengal, needs not to be demonstrated by a commission.

If, upon the above-mentioned heads, inquiry by a commission would be useless, and, in so far as it would delay action, worse than useless, upon the other subjects named by the Memorialists it would be actively mischievous. These subjects are the powers and influence of the zemindars, the use made of these, the earnings of the labouring classes, the rent they pay, the exactions and oppressions which they suffer, and, generally the best means of alleviating their sufferings, and elevating their condition: in short, the social state of the people in all their relations.

There is also the sale of spirits by the Government; but this, as shown by the Lieutenant-governor of Bengal, has been included under some misapprehension. The Memorialists cite the example of the commission appointed by the Government of Madras for inquiring into the practice of torture; but the cases are in no way parallel. In that instance, the Government inquired into the conduct of its own servants, in respect of one single and distinct allegation against them. The question to be solved was one of simple fact, upon which a clear issue might be expected. No class feelings or jealousies were aroused. There was no room for the raising of conflicting theories and opinions to interfere with a

positive and definite result; and therefore no likelihood that any of the parties concerned would be disappointed.

With such a commission as has been suggested by the Memorialists, the effect would be the very reverse of all this. A wide and vague field of inquiry, inviting discussion and difference upon such subjects as rent, wages, fixity of tenure, and the relations of poor to rich; class made to testify openly against class; the weaker rewarded, when their task is done, to the vindictiveness of the stronger, against which no interposition could effectually protect them; wild and extravagant expectations of immediate advantage raised in the minds of a whole people, only to be disappointed; the examination (if the prayer of the British Indian Association be granted) of the share which the Memorialists themselves have had in causing the social evils which they deplore; and the investigation of these delicate and dangerous questions confided to persons whose responsibility would cease with the inquiry.

These would be some of the conditions inseparable from the commission advocated by the missionaries of the Calcutta Conference. With every sincere respect and admiration for the character of the body from which this Memorial proceeds, and gladly acknowledging the value of the co-operation of its members in some of the highest duties of Government, I cannot think that the advice which they have tendered to the Government of India in this instance is well judged, or that to adopt it would advance the end at which we all aim, the moral and social improvement of the Indian people.

The first and obvious measures towards social reform in Bengal are those which, as I have already said, the Government is preparing to take. I am not so sanguine as to expect that, when taken, they will prove immediate in their results, or that they will command the approval of all parties; but if there should be anything of error in them, it will not arise from any want of information as to the evils which they are designed to cure.

6 October 1856.

(signed) *Canning.*

MINUTE by the Honourable *J. A. Dorin.*

Memorial of the Calcutta Missionary body on the condition of the population of Bengal.

I AGREE entirely in the view taken of this Memorial by the Honourable the Lieutenant-governor of Bengal.

There can be little question of the unsatisfactory condition of the rural population of the districts of Bengal Proper; but whether this state of things arises from defects which the Government can remedy, or is engendered by physical causes over which the Government can exercise no control, may be open to very grave doubt.

In respect to such sources of social disorder as would admit of action being taken on them, I believe the Government are in possession of sufficient information to enable them to proceed with reasonable promptitude and decision; upon other heads of inquiry suggested by the reverend missionaries, no information, however extensive, would justify the Government in taking any action whatever.

Nothing, in fact, has surprised me more than to find this demand for a Commission of Inquiry into the condition of the rural population of Bengal, supported by parties whose interests appear to be so diametrically opposed to each other as the Calcutta missionary body and the British Indian Association. The missionary body, I presume, advocate the wrongs of the poor against the rich. The British Indian Association, on the other hand, comprise the richer classes and landed proprietors, as contradistinguished from the bulk of the poorer population! The former body expatiate on the "poverty and wretchedness produced chiefly by the present system of landed tenures and the extortions of the zemindars," and point to the evils of the "present working of the zemindaree system," while the latter desire to be informed, "whether the social evils of these provinces are to any and what extent caused by the well-intentioned efforts and zeal of professional Christian missionaries;" thus arraying class interests in antagonism to each other, which could be of no possible advantage to any section of the community, and would probably end in proving that both parties are in opposition to some third interest, as obnoxious to both their opinions.

But

But to what useful result could this tend, or what could it teach the Government in advancement of those projects which they are already anxious to carry out towards the improvement of a very disordered state of social existence? The jarring of class interests will assuredly not assist the progress of social organisation, nor am I altogether sanguine that the amendment of the law, or the improvement of the police, or the still more potent engine of the spread of education, will very materially eradicate the evils of which the Memorialists complained.

I believe those evils to arise in a great degree from the physical structure of the people, and that nature and climate have at least as much to do with them as any defect in the civil administration of the country.

The civil and criminal law is essentially the same in the North-western Provinces as in Bengal, and the state of the police is little better in the Upper Provinces than in the Lower; so that if the faultiness of the law or of the police were the cause of the social evils experienced by one portion of the population, they might be regarded as producing similar results on the other. No one avers that this is the case, or that the condition of the peasantry of the North-western Provinces is so debased as that of Bengal.

And, for one reason, why? because they are men. They are a fine manly race replete with physical courage, who will not submit to be pillaged by every privileged or unprivileged plunderer; men who will stand up for their own rights and defend their property as soon as they have acquired it. But will a Bengallee do this? Will he lift a finger in defence of either life or property, or is there a particle of physical or moral courage in his composition? I cannot say that I have ever heard of it.

I believe there is not a more timid human being than a Bengallee on the face of the earth, and we have had only too palpable proof of it on recent occasions. During the unfortunate Sonthal disturbances of last year, it was utterly impossible to persuade a Bengallee villager to make the slightest stand in defence of his life or his property; the mere distant sound of a Sonthal drum was enough to put a whole community to instant flight, and between men, women, and children, there was only this distinction: that whereas the men could run the fastest, they were only too glad to make their own escape, and leave their homes to be burnt, and their women and children to be slaughtered with impunity. The Bengallee police were as bad as the villagers, and yet the Sonthals themselves were little better than unarmed savages, utterly unable to withstand any real opposition; who rose, not so much in rebellion against the Government, as in retaliation for supposed wrongs inflicted on them by the extortion of Bengallee mahajuns and money lenders, and who were scattered to the winds the moment a military force was able to act against them.

What can be done for such people as these, who will do nothing for themselves? What Government interference can supply that foundation of moral improvement, that self-reliance, which nature itself seems to have denied? It is almost a law of nature that cowards should be either slaves or tyrants, and I fear this describes but too truly the general condition of the population of this fertile province. It may be that the zemindaree system has failed in practice; yet it was not necessarily a bad system, nor was it founded on unstatesmanlike principles. Its object was to create a substantial intermediate interest in the community, a landed aristocracy, from which the genial flow of social influences might reasonably have been expected; and if it has failed in producing this effect, the fault is more with the unsuitable materials on which it operated than in the principle of the measure itself. English and Bengallee nature are not alike, and it has not followed that the theory of a system which might be abundantly adapted to the constitution of England was equally applicable to the atmosphere of Bengal. The Memorialists should not blame the system so much as the people; and in like manner, where they descant, as they do most justly, on the iniquities of the police, they should remember that the police of England is not perfect, and that if the police are expected to protect the people, it is at least equally required that the people shall help the police; and, what is more to the purpose, that the people shall, to a very great extent, have reasonable reliance on themselves.

The crime of dacoity is frightfully prevalent, yet is it possible to suppose it could be so extensive if the people could be persuaded to do anything in their own defence? Dacoits are as little disposed to face danger needlessly as any

other class of the community, and vigorous resistance would soon extirpate the system ; but where is this found ? The very timidity of the people is an inducement to the crime, and yet it cannot be expected that there should be a policeman in every man's house ? The extortion of the police is notorious ; yet, if men will submit to extortion in silence, how is the remedy to be provided ? The omlah of the courts of law are accused of being corrupt ; yet, if suitors will favour the corruption, how is justice to be pure ? No doubt the police is capable of vast improvement, and a Sikh police has recently been organised for the Sonthal pergunnahs, in despair of finding a Bengallee policeman who was fit to be trusted ; yet, unless the people are prepared to make some exertion for themselves, I do not see how a well-ordered police, or an amended code and administration of the law, can effect very much in diminution of social evils.

The Honourable the Lieutenant-governor of Bengal hopes to be able to introduce a more equitable law for the subject of landlord and tenant, and it is quite possible that some existing evils may be eradicated by an amendment of the law on this head ; but there are many conditions in these relative positions which the law cannot correct, and which, so far as I know, are incurable by any action of the Government. Nothing that the Government is likely to be able to do can check that tendency to over-population which creates a greater demand for land than there is land to supply, and which consequently has the effect of raising rents to a rate that will barely yield the tenant a decent subsistence. In the North-western Provinces the evil is in a great degree mitigated by the Government extracting some 200,000 of the population for its army, and by the great demand for stalwart men for service, public or private, all over the continent of Hindostan ; but in Bengal, who will take a Bengallee for a soldier or a watchman ? He will not even make a tolerable emigrant, and I am informed that, amongst the whole of the emigrant coolies from the port of Calcutta, not ten per cent. are from Bengal Proper. The bulk of the emigrants are men from Behar and the North-west, men of bone and muscle, who will at least think and act for themselves, and do good service in whatever part of the world they may be employed.

I do not say all this in order to argue that any amelioration of the social evils which beset the population of Bengal is impossible, but to show that in my opinion there are natural and physical difficulties in the way of improvement, the remedy also of which is beyond the reach of any Government, or of any inquiry that could be pushed to the fullest extent desired by the most enthusiastic philanthropist.

That education will gradually effect sensible changes in the moral and physical disposition of the people there is much to hope, and that meanwhile the Government will do what they can to improve the civil condition of their subjects, there is every assurance that goodwill and good faith can supply ; but still no surprise need be felt if the results of these most earnest endeavours should not fulfil expectations which are more plausible in theory than, I fear, likely for a long series of years to be realised in practice.

10 October 1856.

(signed) *J. A. Dorin.*

MINUTE by the Honourable *J. P. Grant.*

Memorial of the
Bengal Mission-
aries, and of the
British Indian
Association.

1. I UNDERSTAND the only practical question at present before us, as raised by these Memorials, to be this : should a commission be appointed in Bengal to inquire into the matters proposed by the Memorialists to be inquired into, or any of them ? On this question, after giving these papers all the respectful attention which is due to them, I concur with the Lieutenant-governor of Bengal, the Governor-general, and Mr. Dorin.

2. There is much in the Memorial of the Missionaries, in which, I believe, we all fully agree ; and there is much, as has been observed, which is overcharged. But nowhere do I find any very distinct reason advanced for the practical measure proposed, namely, the appointment of a Commission of Inquiry. In regard to what we are all agreed upon, no Commission of Inquiry can be necessary, for there is nothing to inquire about. In regard to what is believed to be overcharged, there is still no need of inquiry ; for how-muchsoever an existing evil may be exaggerated, no one denies that so far

far as it really exists, whatever can be done by a Government to remedy it, ought to be done. All that remains in the Memorial of substantially disputable matter, are the assertion that bitter hatred of their rulers is now in course of being engendered in the minds of the Bengal ryots; and the severe and unqualified charges made by the Memorialists, as a class, against the class of zemindars universally.

3. I do not suppose that many besides the Memorialists share in their belief upon the first point; and if the fact were as they believe, such a commission to prove it, as they propose, would be too dangerous an experiment to try.

4. I do not mean to make light of this belief; I could make light of no belief entertained in a quarter entitled to so much respect, on a question of such importance. I am sure that this assertion would not have been thus formally made on what were not thought strong grounds. But there is a great inconsistency, to my understanding, between this assertion and other assertions made with equal confidence in the same Memorial. The alleged feeling is imputed to the extreme and peculiar social evils to which the ryot of Bengal is said to be subject; and all the evils of which the ryot can be conscious are traced by the Memorialists, if I understand them, to extortions, and tyranny, and general misconduct of the zemindars, and to the immediate consequences of the zemindaree system, inadequately checked as it is by the police and judicial system provided by the rulers. Now our police is, I dare say, not very much better than it was, but there is no reason to imagine that it is worse. The increase in the pay of police darogahs has done undeniable good, to a certain extent. In other respects our judicial system is vastly better than it was; and the improvement has been all in the direction of the ryot, by bringing justice (though still much too far from him), much nearer to him than it was. Of late years magisterial officers have been largely increased in number, and more dispersed over the country than formerly. Moonsiffs' courts, the courts of the ryot, as effective courts of civil justice, may be said to be the creation of the last 30 years; and their improvement in quality, year by year, is unquestioned. Of late, then, the checks provided by the rulers have been vastly improved upon the whole, and, so far as the rulers are concerned, in appearance, as well as in reality, there has been in this generation much to soothe, nothing to irritate, and most certainly nothing to engender the bitter hatred attributed to the ryot. The zemindars, therefore, and the zemindaree system, according to the Memorialists, are the cause of all. To them, the Memorialists allege, are due the alleged social evils, which evils are alleged to be now engendering bitter hatred of their rulers in the breasts of the Bengal ryots of the present day. Now this string of allegations would all be consistent enough, if the zemindaree system were a novelty. But how stands the fact? Be that system good or bad, it is no novelty; it is not even a creation of the British Government. We found the system, and the zemindars themselves, in full force. We have left the zemindars but the shadow of the power they then had; in many respects we have left them not even the shadow of it. For such power as is left them, I can think of no personal interest they can have had then in using it well, that they have not in an equal or greater degree now; and certainly they have more to fear in using it ill now than they had then. How is it, then, that if social evils really exist to such an extreme degree as to embitter the ryot's spirit, and if zemindars and the zemindaree system are the immediate causes of those evils, this bitterness is only now beginning to be engendered, a generation or two after the assumed enemy has been, to say the least, partially bound down? Why did it not begin to arise in the ryot's breast, whilst the zemindar, with no better dispositions and many fewer responsibilities, had 20 times his present power for evil?

5. As, in my judgment, all these suppositions, namely, the extreme degree of the evils, their cause and their effect, cannot be true, and one is no more credible than the other, I can see no reason for adopting any. To me they have all much more the appearance of having been entertained as consequences of different theories, than as the results of wary and unprejudiced observation.

6. As to the charges made by the Memorialists against the zemindars as a class, I cannot ascertain what the Memorialists themselves would propose to be done, if the result of an inquiry were to be in accordance with their own views.

A Commission of Inquiry could do no practical good, and it could not help doing much real mischief. Every man, to whatever class he belongs, and whatever may be the general character of his class, if he commits acts of extortion or cruelty, should be punished. The law is already adequate for the punishment of such offences, and it will not be less so shortly when the penal code is passed. Whatever can be done in the way of procedure to facilitate the working of the law ought to be done, and will be done forthwith. No Commission of Inquiry would assist such improvements, whilst a Commission of Inquiry that should array class against class, that should fill many of the most influential minds in the country with anger and revenge, and that should set all political elements in heated antagonism with each other, would be an inauspicious commencement of our reforms.

7. If it had not been that the British Indian Association have told us expressly that they had themselves arrived independently at the determination to ask for a similar inquiry, I should have thought their Memorial intended as an indirect answer to their accusers, by way of showing that the zemindars, as a class, do not fear inquiry; but that inquiry cannot be one-sided, and that if one great class is to be dissected, all rival interests and classes (the accusing class included) must be prepared for the same sacrifice. They assign as one and in itself a sufficient reason for their recommendation, that the inquiry may "determine the anxious and never-ending controversies and recriminations between the different classes whose position or property (or both united) may enable them to influence the fate of the rural population." With me, one, and as I think in itself a sufficient reason, for not acceding to the proposed measure, is that I am convinced that it would have exactly the contrary effect.

8. The Memorial of the Missionaries, transcribing and adopting a previous petition to Parliament, mentions the following as evils existing in Bengal, "which it falls properly within the scope of Government to meet and control," and which they say "appear to be on the increase":—

- (1.) Insecurity of life and property in many districts.
- (2.) Numerous gang robberies perpetrated annually with impunity.
- (3.) Constant scenes of violence, in contentions respecting disputed boundaries between the owners of landed estates.

The Memorialists maintain that the radical cause of these evils is the inefficiency of the police and of the judicial system; that a well-organised police, with a more extensive and more effective judicial system (besides giving the required security to life and property), would do much to check the outrages that arise out of disputes about land; and, moreover, that in order to a cure of this last evil, the cause which leads to disputes about land, namely, the insecurity of title and possession, must be removed by, first, the complete survey of the land; secondly, a system of registration; and thirdly, "laws to obviate the infinite mischief of the universal system of secret trusts."

9. Upon this important head I beg to record my complete concurrence with the Memorialists, both as to the existence and extent of the evils, and the nature of the remedies.

10. For many years past I have never lost an opportunity of pressing upon the highest authorities the injustice with which Bengal is treated in regard to the expenditure allowed to her for police. This is no question of system; it is purely a money question. Without a very large additional expenditure nothing can be done; with twelve or fifteen lacs a year to give, the money could hardly be misspent. We have reason to believe that the days of this crying evil are numbered. The next great defect of the judicial system is the want of local criminal courts, so scattered as to be accessible to the people. I believe this evil is easily remedied at slight cost. I sketched, a considerable time ago, a scheme for the purpose, in a minute now before the Council. In regard to civil justice, the existing system is very much less objectionable; and it will be improved doubtless by the changes of procedure now under discussion. I have been too often disappointed in India by seeing great and unquestionable improvements within our grasp postponed indefinitely in the search of some model of imaginary perfection, to feel over-sanguine about any Indian reform.

But

But it does look now, thanks to what has been done at home, as if public expectation would not be much longer disappointed, so far as the reform of the Bengal police and district judicial system is concerned.

11. The questions of survey and registration, in which last the question of trusts is involved, are not in so promising a condition ; yet the duties ought not to be insurmountable, being, as I believe, purely official. If the superior revenue functionaries in Bengal could be induced to consent to learn anything from the North-west, the thing could be done with money.

12. To the above expression of general concurrence with the Memorialists, I have to make any exception only as to the assertion that the evils noticed are increasing. I cannot think that the Memorialists intend to say that life and property are less secure, and that dacoitees are more numerous and more atrocious in character than was the case before our rule, or 100, or 50, or 20 years ago. Such an opinion could be refuted to demonstration ; but I think it very probable that contentions and offences respecting landed property are increasing, and these may have been chiefly in the minds of the Memorialists. The explanation, however, if the fact be so, is easy. The value of landed property is increasing rapidly, and it is therefore becoming daily more worth fighting for. There are no such contentions and affrays about land at Madras, as are justly complained of by the Memorialists here. But this is not due to a good police and judicial administration, a survey and registration, or the absence of a zemindaree system in the greater part of that Presidency ; it is due to the fact, that in most Madras districts land is valueless, by reason of the revenue system there in force, the contentions there being when a ryot is forced, not to give up, but to take land. What has happened in Bengal is this : that by the perpetual limitation of the tribute, by a substantive law which is theoretically just to all connected with the soil, and by the general maintenance of a system of justice and order not intolerably defective, a new subject of property has come into existence, which already infinitely exceeds in value all the other property of the country put together ; while no local or other arrangements have been made for the security of that property, such as its peculiar nature requires.

13. This is the extent of the neglect of the several Bengal administrations, from the time of Lord Cornwallis downwards. I do not excuse it. I am and I have long been as earnest as the Memorialists for its correction. But surely it is not a full and fair view of the social state of the agricultural people of Bengal, which would dwell upon the evils caused by the want of special arrangements for the security of their property in the soil ; without noticing the fact that this property itself was the gift of the system impugned, and has grown up in spite of all the defects imputed to it.

22 October 1856.

(signed) *J. P. Grant.*

MINUTE by the Honourable *B. Peacock.*

I CANNOT beneficially add anything to the several minutes which have been recorded. I entirely agree in the opinions which have been expressed that a commission for the purpose specified in the Memorial is not necessary, and that such a commission ought not to be issued.

26 October 1856.

(signed) *B. Peacock.*

No. 1647.

From *C. Beadon*, Esq., Secretary to the Government of *India*, to *W. Grey*, Esq.,
Secretary to the Government of *Bengal*.

Sir,

Council Chamber, 11 November 1856.

I AM directed by the Governor-general in Council to acknowledge the receipt of your letter, No. 1336, dated the 19th September, forwarding a Memorial from certain reverend Christian Missionaries residing in and near Calcutta, in which

it is prayed that the Government will issue a commission to inquire into the condition of the people of India, and the means of improving it.

2. With this Memorial you have also submitted a minute by the Lieutenant-governor, in which his Honour has recorded his reasons for declining to support the proposal.

3. Your subsequent letter, No. 1368, dated the 27th September, forwards a petition from the Committee of the British Indian Association, requesting that the prayer of the Memorial of the Missionaries may be acceded to.

4. The Governor-general in Council has read and deliberated upon these documents, with the care and attention due to the importance of the subjects they treat of, and to the excellent and earnest men by whom the Memorial has been presented ; and he has arrived at the conclusion that the course recommended by the Memorialists, while likely to give rise to very serious evils, would fail to secure or forward in any degree the end at which the Government no less than the Memorialists aim, namely, the moral and social improvement of the people.

5. I am directed, therefore, to request that, with the permission of the Lieutenant-governor, you will inform the reverend Missionaries and the Committee of the British Indian Association that his Lordship in Council, concurring in the views recorded in his Honour's minute, cannot consent to the appointment of a commission for the purposes indicated in the Memorial.

6. The subject will be reported for the information of the home authorities by the next mail.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India

(True copies.)

East India House, }
16 February 1857. }

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (JUDICIAL ESTABLISH-
MENTS, &c.)

P A P E R S

ON THE

EAST INDIA JUDICIAL ESTABLISHMENTS.

(*Sir Erskine Perry.*)

*Ordered, by The House of Commons, to be Printed,
17 February 1857.*

EAST INDIA (NAWAB OF SURAT).

RETURN to an Order of the Honourable The House of Commons,
dated 16 March 1858 ;—for,

A COPY “ of any CORRESPONDENCE between Meer Jafur Ali Khan and the Court of Directors, and between the Court and the Board of Control, respecting the PROPERTY of the late NAWAB of SURAT (in continuation of Parliamentary Paper, No. 31, of Session 2, 1857); together with any DISSENTS recorded by Members of the Court of Directors on the subject.”

East India House, }
25 March 1858. }

J. D. DICKINSON, Secretary.

(Sir De Lacy Evans.)

Ordered, by The House of Commons, to be Printed,
26 March 1858.

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East India House, }
25 March 1858. }

J. S. Mill,
Examiner of India Correspondence.

COPY of CORRESPONDENCE between Meer Jafur Ali Khan and the Court of Directors, and between the Court and the Board of Control, respecting the PROPERTY of the late NAWAB of SURAT (in continuation of Parliamentary Paper, No. 31, of Session 2, 1857,) together with DISSENTS recorded by Members of the Court of Directors on the subject.

Meer Jafur Ali to the Court of Directors, dated London, 7th July 1857.

Gentlemen,

IN compliance with the intimation made to me by the Right Honourable the President of the Board of Control, I have the honour to request that the distribution of the property of the late Nawab of Surat may be suspended for a year from this time, as I am in great hopes that, by personal conference at Surat with the parties interested against me, I shall be able to effect a voluntary settlement of this harassing litigation.

If I should not succeed in this endeavour of mine, I shall return to England, and prosecute my appeal to the Privy Council or to Parliament.

I have, &c.
(signed) *Jafur Ali.*

DRAFT of proposed Reply by the Court of Directors to the above, showing in *red ink* the alterations made by the Board of Control.

Sir,

I AM commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 7th ultimo, and I am instructed to inform you in reply, that the Court, ~~with due consideration for the rights of others, are unable to~~^{will} comply with your request for the suspension, for one year from the present time, of the distribution of the private property of the late Nawab of Surat.

I have, &c.
(signed) *James C. Melvill, Secretary.*

Meer Jafur Ali to the Court of Directors, dated London, 3d August 1857.

Gentlemen,

On the 7th of July last, I had the honour to address the Honourable the Court of Directors, requesting that the division of the private estate of the late Nawab of Surat may be suspended for one year's time, in order that I may proceed to India and endeavour, by private conference, to come to an amicable settlement with the parties interested in the estate of the late Nawab; but up to this day I have not had the honour of any reply.

I beg to remind the Honourable Court that my further stay in this country would only involve me in further expense, and my great desire is to start immediately for India, and there with my utmost exertion to render any service which might be required of me by the Government, and thereby have an opportunity to prove my loyalty and attachment to the British rule, as was always shown by my late father-in-law and his ancestors, as also shown by my father before me, especially in 1817, under Sir John Malcolm, in the pursuit and subsequent surrender of the ex-Peishwa, Bajee Row, of the Deccan. The Government records will show the subject in its fullest details.

I have, &c.
(signed) *Jafur Ali.*

PAPERS RELATING TO THE PROPERTY OF

From the Secretary at the East India House to the Secretary at the Board of Control, dated East India House, 20 August 1857.

Sir,

WITH reference to the alterations made by the Board of Commissioners for the Affairs of India, in the draft of a letter to Meer Jafur Ali Khan, I am commanded by the Court of Directors of the East India Company to observe that, whilst these alterations entirely reverse the decision of the Court, the Board have furnished no reasons for the same.

2. I am commanded further to observe that the distribution of the private property of the late Nuwab of Surat, under the decree of a court of competent jurisdiction, has already been suspended for nearly five years; and that they have reason to believe that many of the members of the family are, consequently, in distressed circumstances. The Court, therefore, entertain the strongest conviction that they cannot, without great injustice to these persons, consent to any further delay, at the request of Meer Jafur Ali, whose apparent object in making that request is to enable himself to return to India, and there to induce the other members of the family to waive in his favour a portion of their just rights, as decreed to them by a competent authority.

3. For these reasons, the Court earnestly deprecate the alterations of the Board, and request that they may be permitted to revert to the decision contained in the original draft of their letter.

I have, &c.

(signed) *James C. Melvill*, Secretary.

From the Secretary at the India Board to the Secretary at the East India House, dated 25 August 1857.

Sir,

I AM desired by the Commissioners for the Affairs of India to acknowledge the receipt of your letter of the 20th instant, conveying the representation of the Court of Directors of the East India Company against the alteration made by the Board, in the letter which the Court propose to address to Meer Jafur Ali Khan, as to the distribution of the property of the late Nawab of Surat.

The Board regret that the reason for making the alteration was not communicated to the Court on the 7th instant: but it is simply this; the Board do not see that injury will be done to any individual interested in the property, if the distribution, which has already been postponed for a long time, be delayed for a short time longer; and therefore they are not unwilling to grant the request made by Meer Jafur Ali.

I am, &c.

(signed) *G. Clerk*:

From the Secretary at the East India House to Meer Jafur Ali Khan Behaudur, dated 27 August 1857.

Sir,

I AM commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 7th ultimo; and I am instructed to inform you in reply, that the Court will comply with your request for the suspension for one year from the present time of the distribution of the private property of the late Nawab of Surat.

I have, &c.

(signed) *J. C. Melvill*, Secretary.

DISSENT by Mr. *Willoughby*, concurred in by Mr. *Smith* and Mr. *Astell*.
SURAT CASE.

I DISSENT from the reply to Meer Jafur Ali, as amended in a Committee of the whole Court, and passed on the 29th ultimo, by nine to six, for the following reasons :

1st. Because, although no case within my experience, both before and after its introduction into Parliament, has been so fully and carefully considered, and, as far as words can express finality, finally decided, the Court's present resolution is opposed to its previous decision, repeatedly and deliberately confirmed, first in 1844, again in 1848, again in 1850, and finally in 1854.

2d. Because it is at variance with the proceedings of the Court so recent as the 23d June last, when, after having rejected a compromise proposed by the Chairman by 14 to 2, it passed the following resolution :—

“ The Court having felt it to be their duty to oppose upon principle the Private Bill before the House of Commons, must decline to be parties to the compromise now submitted, more especially as it is palpably for the benefit of Jafur Ali and his immediate family, to the exclusion of other claimants, who have had no opportunity of being heard by the Committee appointed by the House of Commons, and whose rights as heirs general have been judicially recognised in India.”

3d. Because, also, it is at variance with the Court's proceedings of the 9th July last, when, after having rejected another compromise proposed by the Chairman, it came to the resolution, “ that it is inexpedient to initiate further proceedings in this matter.”

4th. Because it is inconsistent with the Court's Petition to the House of Lords, which caused the rejection in that assembly of the Private Bill passed by the House of Commons.

5th. Because, since the Court still maintain, that under the treaty of 1800 the family possess no right, either in law or in equity ; because, in fact, Jafur Ali is now informed, “ all right to the stipend described in the treaty ceased on the death of the late Nuwab,” this Court has no right, on the plea of liberality towards parties who possess neither ancestral or personal claims for such liberality, to impose a burthen on the resources, or rather on the tax-payers of India. By so doing, it appears to me that the Court is abandoning its duty as trustees of the Crown, and as protectors of the people of India.

6th. Because the assertion contained in the letter, that the grant of one lack of rupees per annum to Jafur Ali and his daughters, together with a bonus of 20,000*l.* sterling as a free gift, are to be “ regarded only in the light of an increased exercise of the liberality already shown to him and his family, and in nowise as an abandonment of the position which the Court have hitherto maintained,” will be believed by no one, even had not the Court in the same paragraph acknowledged that the present concessions are made “ in deference to the opinions and feelings which have been expressed in other quarters.”

7th. Because by thus yielding, not from conviction, not from any distrust or misgiving respecting the justice or equity of its previous decisions, but from external pressure, the Court is abdicating its proper functions, and will afford an opportunity to its opponents to declare, that the Court, abandoning its own conscientious convictions, has been willing to purchase relief from further agitation of the Surat case, at the cost of principle.

8th. Because, although in the 3d para. it is stated “ the Court will not object to devote prospectively the whole of the stipend of *Rs.* 150,000 per annum to a life provision for the family and dependants of the late Nuwab,” the pensions which have now been allotted, in the aggregate actually exceed the amount specified in the treaty of 1800 ; a prodigality not to be justified at any time, but more especially in the present state of the finances of India.

9th. Because, notwithstanding the Court's profuse liberality, there is no assurance that the concessions offered will be accepted as final. On the contrary, it was expressly stated, during the discussion, that there could be no assurance, even as regards Jafur Ali himself, but that at all events it must be obvious that he was not competent to bind his daughters ! I certainly heard this declaration with surprise, it being universally admitted that Jafur Ali can claim nothing except on behalf of his daughters.

10th. Because, admitting, for the sake of argument, that as far as relates to Jafur Ali and his daughters, the settlement is final, it cannot bind the collateral relations of the late Nuwab. Those who are influenced in agreeing to the settlement, by the opinion of the Select Committee of the House of Commons, and the Private Bill founded thereon, will scarcely dispute this, for that opinion was not pronounced in favour of Jafur Ali and his daughters, but in favour of the heirs of the late Nuwab, if any there be within the true intent and meaning of the treaty. Neither will this, I think, be disputed by those who are influenced by the term "warisan" or heirs, being found in the 4th article of the treaty; for, unquestionably, those who contend that the stipend should be treated as private property, as an inheritance, must admit that "warisan" includes collaterals. Hence, therefore, it will probably happen that after the Court has allotted the entire stipend in the manner now proposed, the collaterals, founding their claim on the Private Bill, and on the construction placed by some on the 4th article of the treaty, will claim their portion of the inheritance as a matter of right. This portion, being six sixteenths of the whole, will amount to Rs. 56,250 per annum, and the claim on the above construction can scarcely be resisted.

11th. Because, whether it can be resisted or not, any compromise founded on the proceedings in Parliament will reflect discredit on this Court, if collaterals are excluded. This Court has already recorded a formal resolution to this effect, and the reasons why it would be so were very forcibly stated in his seat in Parliament by a member of this Court.*

12th. Because it is unworthy of, and will reflect discredit on this Court, to abandon its own conscientious views of what is right, and to recede from the resolution recorded almost with one assent on the 23d June last, merely in deference "to the opinions and feelings which have been expressed in other quarters," when the arts and devices which have been resorted to, as will always be the case whenever it is desired to enlist the sympathy of party and Parliament in any particular cause, are matter of common notoriety. There can be no doubt, that by the dissemination of ex-parte statements through the press and in pamphlets; by the aid of able professional advocates; by the employment of parliamentary agents; by a personal canvass of Members of Parliament, and in other influential quarters; by the distribution, it is even rumoured, of valuable presents; and, lastly, by the unlucky accident, that whereas the evidence of the promoters of the Private Bill was presented to the House on the 9th June, that produced against it was not presented until the 18th or 19th, only four or five days before it passed the "third reading;" a feeling of sympathy has been created in favour of Jafur Ali and against the Company, which is not due to the intrinsic merits of the case.

13th. Because the compromise, as it is termed, will be construed into admission by the Court, that its proceedings will not stand the test of further scrutiny. In considering this question, I cannot altogether keep out of view the merits of the case, although it is impossible to discuss them at length and in detail, within the period allowed for recording a dissent. Proofs, however, upon proofs, have accumulated during this discussion, of the correctness of Lord Ellenborough, the Governor-General of India's opinion,† that "with the title and office of Nuwab expires all claim to the money which the British Government engaged to pay annually by the treaty of 1800. That money was evidently to be paid as the clear surplus of the State Revenue, after defraying all charges. It was to be paid to the Nuwab as such. It was, and it remained under the treaty, public property. It was not made private property, to be severed from the State when its head might fail."

For instance, the diary kept by Mr. Duncan during the negotiation of the treaty, is relied upon to prove that the stipend of 15,000*l.* was intended to descend to heirs, independent of the succession, and not as the authorities in India and this Court contend, that the stipend was annexed to the office of Nuwab, and could only, therefore, descend to the heirs and successors of the Nuwab. The treaty is dated the 13th May 1800, and the Court's construction of

* See Debates on the Surat Treaty Bill, June 11th, 18th, and 24th, 1856, published by J. R. Taylor, p. 109.

† See Mr. Secretary Thomason's letter, dated the 9th September 1842, Minutes of Evidence on the Nuwab of Surat Treaty Bill, p. 65.

of what was intended, is confirmed by a minute of later date, both to the Diary and the treaty of Mr. Duncan's (namely, the 25th July 1800),* in which, when reviewing his proceedings for the information of his superiors, he explicitly states: "By the proposed treaty all the powers of the native government were to be vested in the Company, and the future nabobs to receive a fixed stipend of a lac of rupees per annum, and one-fifth more of the surplus net revenue."

By the last mail, moreover, the Court received a copy of the treaty in Persian, which, in the opinion of better Oriental scholars than myself, strongly supports the correctness of the Court's construction of that document. In fact, had this version of the treaty been produced before the Select Committee of the House of Commons, they would, I think, have paused before they reported to the House that the stipend must be regarded as private property, as an inheritance descendible to heirs like ordinary goods and chattels. I have been favoured by Mr. Prinsep with his remarks on the Persian version of the treaty, and its true construction, and with his permission append it to this paper. The promise recorded in Mr. Duncan's diary, correctly interpreted, is quite consistent with the treaty, the preamble of which, embracing every article, states it is entered into with the Nuwab and his heirs and representatives, or, as Colonel Ouseley renders it, with "the sitters in the place," or those "who sit in the place of the Nuwab." But, besides this, in the 4th Article, which is so much relied upon by Jaffir Ali's advocates, it is expressly declared that the fifth share of surplus revenue, afterwards compounded for Rs. 50,000 per annum, "both now and in future shall be paid to the Nuwab's Government.—See Colonel Ouseley's Translation.

14. Because, although very sensible of the evil consequences likely to arise if questions like the present, involving the construction of treaties entered into many years ago in India, are to be transferred from the duly constituted authorities to the judicial tribunals of this country, I am persuaded that, in the present instance, the result would not be adverse to the Company. If, for instance, the case were referred to the Privy Council, that tribunal would no doubt give due weight to the strong facts which can be adduced against the supposition that the stipend was to descend to heirs general. Such, for instance, as the fact, that on the death of Meer Nusseer-ood-deen, in September 1821, it did not so descend; no one dreamt of preferring such a claim. So, also, the fact that had it been deemed expedient, on the death of the late Nuwab, to continue the office of Nuwab, the entire stipend would have passed to whoever had been selected as his successor. The Privy Council, moreover, in considering the word "heirs," as used in the treaty, would, it may be presumed, construe it with reference to the Mahomedan law, and not be unmindful of the necessary caution of the celebrated Sir William Jones,† who, in the preface to his translation of the "Al-Sirajeyyah, or the Mahomedan Law of Inheritance," writes: "I must request English readers to dismiss from their minds those appropriated senses in which many of our words, as heir, inheritance, root, and the like, are used in our systems. I was under the necessity of retaining the Arabian phraseology, both in law and arithmetic."

But whatever might be the result of a reference to the Privy Council, I feel confident that it could not be so detrimental to the credit of this Court as this compromise will be, for I concur in a remark made during the discussion of the case, that ten adverse decisions of a court of justice would not be so injurious to the Court's character for justice and consistency.

In the event, moreover, of the Court being forced by further proceedings in Parliament into a court of law, I feel the strongest conviction that, however much others might be benefited, Jafur Ali and his daughters would not only take nothing, but would lose the handsome provision which has been assigned to them. Reserve now would be misplaced. In such an event the matter must be judged by the strict rules and principles of courts of justice, and hence the question, which has never yet been fairly raised, of the legitimacy of the party through

* See Minutes of Evidence taken before the Select Committee on the Nuwab of Surat Treaty Bill, p. 13.

† See his Works, vol. 3, cited by Mr. Leith, professor of law at Haileybury, in his remarks on the construction of the Surat Treaty, dated 25th April 1856.

through whom Jafur Ali claims, must and will be raised. The Select Committee of the House of Commons have expressly stated* that it is their intention, and that it is only right and proper that it should be investigated. It is only owing to the false delicacy of the Bombay Government, in originally waiving this question out of consideration to the Nawab's family, that an opportunity has been afforded to attack with plausibility the Court's decisions in this matter. Now, however, as was formerly remarked† by Sir George Clerk, when he filled the high office of Governor of Bombay, "In the discussion of the late Nuwab's affairs, the question of the legitimacy of the daughter through whom the memorialist (Jafur Ali) claims was very properly though generously waived. The case, however, now assumes a different aspect when the memorialist appears in the character of an aggrieved person. The Honourable Court should, therefore, I am of opinion, be referred to the 65th to 85th paragraphs of the Honourable Sir G. Arthur's elaborate Minute, dated the 28th April 1843, on the demise of the late Nuwab, in which the point is slightly touched upon, and more particularly to Sir G. Arthur's Minute, dated the 19th March 1844, in the 3d and 5th paragraphs of which the question of her legitimacy was specially touched upon. On the supposition that the daughters who were married to the sons of Meer Surafraz Ali were legitimate, the connexion thus formed would have been regarded as far below the Nuwab's rank and family, since the Meer, I am told, is of no family or note whatever, having been the architect of his own fortune; and I am told by the Political Secretary that this want of respectable ancestry frustrated the Meer's endeavours to obtain for his two sons, wives from a family at Baroda, which, though of high rank, is, in point of wealth, far inferior to that of the late Nawab of Surat. The memorialist, therefore, speculated in matrimony, and, notwithstanding his present complaint, may be considered fortunate. I am of opinion that he has been most liberally dealt with, and that the settlements made by the late Government ought not to be disturbed.‡

When this question is investigated, I can scarcely entertain any doubt but that the result will be adverse to the promoters of the Bill in Parliament. For the evidence in regard to the origin and birth of Ameer-ool-Nissa, the mother of Bukteeyar-ool-Nissa, the wife of Jafur Ali, and daughter of the late Nuwab, does not depend upon any interested party, but was obtained from her own lips by Mr. Elliot, the Governor's agent, as follows: After having given some particulars derived from less trustworthy sources, Mr. Elliot reports: "With her sanction I repaired to the Palace, and with every deference demanded by her retired habits and peculiar circumstances, I obtained from her own lips the following history of her early life:

"She belonged to the Rajpoot caste, and resided at Bhownuggur. When about the age of 12 or 13 a stranger came there and purchased her, for what sum she knows not. He conveyed her to the town of Randier, and afterwards to the residence of the old Nuwab, father of his late Excellency. The latter informed his mother that a young girl had been brought to the Palace, whom he wished to live with him. His proposals having been acceded to by his parents, she was given into his keeping. She recollects having heard that the person who brought her, in consideration of the purchase received 200 rupees and a pair of shawls. Three children were the offspring of this connexion, of whom one alone, Bukteeyar-ool-Nissa survives (that is, Jafur Ali's wife). After the Bismillar of this child, four years, four months, and four days subsequent to its birth, she was married to the Nuwab, who passed to her a deed of emancipation."

It is unnecessary to continue the quotation relating to her emancipation and marriage to the Nuwab, for it is contended, and, I believe, rightly so, that Ameer-ool-Nissa being of Hindu lineage, could not in the first instance have become

* See Minutes of Evidence before the Committee, p. 94.

† Minute dated September 1847.

‡ With reference to this Minute of Sir G. Clerk's, I would also refer to the following Minute which I recorded on the occasion:—"I entirely concur in the view which our Honourable President has taken of this case; and with reference to para. 9, I can corroborate the facts there stated, and may further state, that when Meer Surafraz Ali married his sons to the daughters of the late Nuwab of Surat, the more than doubtful origin of their mother was alleged as the cause of his having succeeded in forming a connexion, otherwise so much above his own fortunes and pretensions."

become the Nuwab's legal slave, and could not therefore have subsequently become his lawful wife. On this point, *see* Macnaghten's Mohammedan Law, p. 58 and 67.

But, supposing for the sake of argument, this difficulty is surmounted, another of a still more formidable nature remains. Admitting that by any process or ceremony, Ameer-ool-Nissa, the concubine, could have become the late Nuwab's lawful wife, would this have the effect of legitimatising a child, born four years and four months previously, and entitle such child to take the whole or a portion of the Nuwab's estate? There can, I believe, be no doubt that any court of law must decide these questions in the negative, and consequently adversely towards Buktehar-ool-Nissa, the wife of Jaffir Ali.* I have not time to discuss this point further, but will restrict myself to one other quotation.

"By the Mahommedan law they only are slaves who are captured in an infidel country in time of war, or who are descendants of such captives. It is not pretended that Ameer-ool-Nissa was either the one or the other of these, and therefore she was not a legal slave, and her offspring previous to her marriage was spurious. So, also, if she be of Mohammedan descent, her marriage with the Nuwab would not legitimatise the children she had borne to him as his concubine. Tried by this test, Buktehar-ool-Nissa was unquestionably illegitimate."

But the point at issue does not even rest here. Admitting, again, for the sake of argument, the validity of the marriage, and that the effect of such marriage was to legitimatise the children born some years previously in concubinage, the daughters of Jafur Ali not being according to the Mohammedan law among the heirs of Meer Nusseer-ood-deen, the Nuwab of Surat, with whom the treaty was entered into, could only claim the amount or the proportion of the stipend to which their mother was entitled during her lifetime. The Select Committee of the House of Commons did not consider themselves called upon to pronounce an opinion on this or any of the other points of Mahommedan law involved in the question. It was, however, very ably argued by the Company's counsel, and was uncontroverted by the opposite side. It is also the opinion of the learned Professor of Law at Haileybury (J. F. Leith, esq.), who was for many years a leading and distinguished member of the bar at Calcutta. He states: "Her two daughters, on whose behalf the claim is now made by their father, Meer Jaffir Ali, are not heirs of Meer Nusseer-ood-deen; they do not belong to his family or to that of the late Nuwab his son, but to the family of their own father, by Mohammedan law. For by that law, both Meer Nusseer-ood-deen and Meer Afgul-ood-deen would be termed their false grandfather, that is, an ancestor into whose line a female is interposed."—*See* Al-Sirageyyah, or the Mahommedan Law of Inheritance. Sir William Jones' Works, vol. iii.

15th. Because, on neither side, male or female, is the party benefited by this compromise entitled by ancestral or personal claims to the further liberality of the British Government. They are not the descendants of royalty or of nobility; they are not the representatives of any of the ancient families of princes and chiefs to be met with in every part of India. The Nuwabs of Surat were originally merely the local executive officers of the kings of Delhi. Their office was not hereditary, but required confirmation on every demise. They were liable to removal, and in later times the succession was sometimes forcibly contested by different candidates. Their subordinate capacity is strongly marked by their being the Wakayanavees,† or "recorders of the public courts of Surat, for the use of the court of Delhi," the emoluments of which office the late Nuwab enjoyed up to the day of his death. As the power of the crown of Delhi diminished, that of the British Government increased, and it was only by the influence of that power that the Nuwabs were maintained, and the territory entrusted to them preserved from the grasp of the Mahrattas, for Surat itself was twice pillaged by the celebrated Sivajee. So matters continued until 1800, when the treaty entered into in 1759 with Meeah Atchund personally

* Letter from Mr. Hebbert, agent to the Governor at Surat, dated the 8th March 1854.

† *See* Jaffir Ali's Memorial to the Government of India, dated 14th April 1848, paras. 23 to 26.

personally was converted by Lord Wellesley, on conditions of his Lordship's own dictation, into an hereditary treaty, the advantages of which were to descend in the male line to the heirs and successors of Meer Nusseer-ood-deen for ever. This was in one sense a very great boon conferred on the Nawab.

With the view of enlisting public sympathy and support on his behalf, the titles of "Nabob of Surat," "Rajah of Surat," have frequently been conferred on Jafur Ali by those who support his cause. I would speak of him with respect. I have known him almost from his infancy, and although I have never disguised from him, in his repeated interviews with me on the subject of his claims, I could not conscientiously support them, I never entertained other than friendly feelings towards him. When, however, I first went to Baroda, now I regret to state close upon 40 years ago, his father, Meer Surafraz Ali, was merely the follower and dependant of Meer Kumal-ood-deen Khan, an officer of high rank, and commonly called the Nawab of Baroda. Meer Surafraz Ali, and his fathers before him, served the Nawabs as Silladars (*Anglice* troopers, horse soldiers who provide their own horses and arms.) In that capacity he served with the Guicowar Contingent in Malwa in 1817-18, under the late Mr. Williams, and attracting his attention by his good conduct, this gentleman, when he afterwards became Resident at the Guicowar's court, befriended and advanced his interests. Shrewd, intelligent, and clever, amidst the intrigues which always prevail at a Mahratta Durbar, and for which Baroda has always been conspicuous; he gradually raised himself to wealth and power, first becoming a commander of horse, and afterwards a farmer and manager of districts. He is now, I believe, manager of the Guicowar's possessions in Kattywar. The fortunate marriage of his two sons to the daughters of the late Nawab of Surat completed his good fortunes. The following account of the family, furnished to me by Major Wallace, one of the ablest political officers now employed in Guzerat, confirms the above statement :

"Meer Surafraz Ali is the son of Meer Muntaz Ali of Sheshwan in Hindoostan, and I believe both father and son entered as Silladars into the service of Nawab Meer Kumal-ood-deen, one of the principal officers in the Guicowar service. The father does not appear to have ever occupied any conspicuous situation, but the son accompanied Meer Kumal-ood-deen, when the latter led a contingent into Malwa with Mr. Williams in 1817. Serafraz Ali was promoted for his good conduct on this occasion, and on the return of the expedition he married Kumal-ood-deen's sister-in-law, and received a separate employment in the Guicowar's service. He was dismissed from this situation in 1838, and went to Surat to celebrate his daughter's marriage. After two years, his eldest son Akber Ali was confirmed in his father's old appointment. Meer Serafraz Ali's family history, so far as he is connected with Guzerat, opens therefore with his father coming down from Hindostan, and entering the service of Nuwab Kumal-ood-deen as a Silladar."

To his credit, as observed by Sir G. Clerk, Meer Surafraz Ali was "the architect of his own fortunes." But there can be no doubt that he was greatly indebted for his first rise at Baroda to Mr. Williams, and afterwards to the countenance and favour of the late Sir John Malcolm, and Sir James Carnac, when Governors of Bombay. In fact, on one occasion he fell into disgrace with his master Seeagee Row Guicowar, who dismissed him from his service, and deprived him of all his estates and honours. These, however, were afterwards all restored to him through the intervention of the British Government. I wish I could add that he at all times evinced gratitude for the favours bestowed upon him, but truth compels me to add, that in the difficult attempt to serve two masters he failed, and subjected himself to the following rebuke from the Political Commissioner in Guzerat :

"I could have had nothing to say to Meer Surafraz Ali, had he given honest and sound advice to Seeagee, fitting the time, but he acted as an intriguer of the worst description ; a traitor to his prince, in offering dangerous advice, and evincing deep ingratitude to the British Government, through whose means only a few short months ago, and in the course of these demands, he had been restored to his honours, his estates and his property, of which he had been dispossessed by Seeagee for six years. I confess my mind is filled with concern at having to state these circumstances of a man whom I esteemed, and whom I never saw but in a most respectable light in his adversity. I am now informed that he is a dangerous intriguer, always promoting his own selfish purposes."

The

This extract is taken from a letter addressed to L. R. Reid, Esq., Secretary to the Government of Bombay, by the late James Sutherland, Esq., Political Commissioner and Resident at Baroda, and dated the 2d June 1840.

16th. Because, in my opinion, the compromise will only temporarily avert the evils against which it is avowedly made. Those who have extorted it will pursue the same tactics whenever it suits their pleasure, and circumstances seem propitious. Similar demands will, I fear, be made on the Court's liberality, whenever the desire of a victory in the House of Commons, or any other sufficiently stimulating cause exists. I have always understood that one of the chief public advantages derived from this Court is, that it acts as a breakwater against the undue influences which have been set in motion in this matter, and to which I hesitate not to express my belief that Jaffir Ali is mainly indebted for the success of his operations.

17th. Because I doubt the power of the Court to grant to Jaffir Ali, or any other person, "in free gift the sum of two lacs or 20,000 *l.* sterling," without first referring the grant for the confirmation of two General Courts of Proprietors, which, in a political matter of this kind, I should not consider desirable.

18th. Because I object to Jaffir Ali being informed that the proposed arrangement must be considered "a final settlement of the question of the claims of himself and family;" 1st, because, in like manner, he has on at least four or five occasions been informed that the Court's previous decisions were final: and, 2dly, because, as I have already shown, the proposed settlement cannot effect or bind collaterals. To these objections I may add, that when, as in the present case, there is no mutual understanding, the offer of compromises is hazardous. For very frequently they are accepted only as an instalment, and are afterwards cited as an admission so far of the right of the contending party. It would not be difficult to show that this has actually occurred during the discussion of the present case.

19th. And lastly, because it appears to me, that by yielding to the Parliamentary pressure which has been brought to bear on this case, we are holding out a premium to future agitation, and an encouragement to parties in India who are wealthy to repair to England in the hope, by agitation and by the performance of *khutput*,* to obtain a reversal of decisions passed by the most competent authorities in India, even although they may have, after a careful consideration, been confirmed by the duly constituted authorities in this country. I conceive that nothing can be more detrimental to the interests of British India than a system like this, because of its impairing and weakening effect upon the authority of those to whom the administration of that vast empire is entrusted.

I have not time to refer to the question of the private property of the late Nuwab, nor is this necessary, since the Court has declined to become a party to reopening that question. One of the first requests preferred by Jaffir Ali to this Court on his first visit to England,† was, that the "disputes of the Begum and her dependents be referred for adjustment as usual to the Government agent, and not to the civil court, the interference of the latter in the concerns of the family never having as yet taken place, and being likely to be considered derogatory." To Act XVIII. of 1848 afterwards passed, and under which the estate has been administered, he was not only a consenting but a soliciting party; and not only this, but he actually supplied a clause in the Act so amended as to subserve what he then considered to be for his advantage. It is little more than declamation in an exceptional case of this kind, to assert that this Act interfered with Jaffir Ali's rights and privileges as a British subject. In the first place, it would be difficult to establish that he is a British subject. He was bred and born at Baroda, and consequently, I presume, he is a Guicowar subject. But be this as it may, in the forcible language of one of Her Majesty's ministers (Mr. Lowe),

“The

* For the signification of this term, see the Blue Book in four folio volumes, published by order of Parliament in 1854.

† See Letter to the Chairman of the Court of Directors, dated the 22d August 1844, produced by himself before the Select Committee, p. 68 of Minutes of Evidence.

“The case was this; the Nuwab died possessed of a considerable amount of personal property, which was taken possession of by the East India Company, and by an Act of the Legislative Council (whether wisely or not was not his business to argue) the Government of Bombay made a distribution of that estate, and the distribution so made was as final and conclusive as a decision of the House of Lords would be in this country. The Government of Bombay gave half the property to the present claimant, Meer Jaffir Ali, and distributed the other half among the widows and collateral relatives of the Nuwab. The money had not been paid to those parties, and the Committee now by this Bill have re-opened the question after those persons had acquired an indefeasible right, and to let in Meer Jaffir Ali to appeal, and set up a claim before the Privy Council to the other half. He did not think it would be to the credit of that House to take away the allowance from those poor relatives of the Nuwab.”

So also in the debate in the House of Lords, his Grace the Duke of Argyll observed :

“He should mention also, that when the private property of the late Nuwab was to be divided, Sir R. Arbuthnot decided that the present claimant was not entitled to any portion of it. Nay, more, this very man was a consenting party to that arrangement. A special Act was passed authorising an agent to act in the distribution of the property, and in it was a clause, suggested by the present claimant, going directly against the present application. Only two years since he appealed to the Privy Council, and the decision was given by Sir Knight Bruce, to the effect that no appeal lay in the case.”

On all the above grounds I am reluctantly compelled to record this dissent. In consenting to this compromise the Court will, I fear, obtain credit from no party; but by showing that it is willing to purchase relief from further agitation by a considerable sacrifice of the public revenues entrusted to its charge, it will afford a great triumph to its opponents, and a severe disappointment to its well-wishers.

• East India House,
12 November 1856.

(signed) *J. P. Willoughby.*

We concur generally in this dissent.

(signed) *M. T. Smith,
J. H. Astell.*

MEMORANDUM by Mr. *Prinsep*.

If the question pending between the son-in-law of the late Nuwab of Surat and the East India Company, in regard to the stipend enjoyed by the deceased, be referred in common with the dispute between him and the other heirs of the deceased, to the decision of Her Majesty's Privy Council, the argument on the part of the East India Company may be stated thus :

The ground for referring this part of the case, together with the private estate case, will probably be in deference to the opinion and report of the Committee of the House of Commons, which declared this stipend to be in the nature of heritable property, to which the heirs of the late Nuwab were equally entitled as to other personal and real property left by the deceased.

To the stipend being so treated, the East India Company must demur, on two separate grounds :

First, that it was a stipend assigned to the father of the deceased *quâ* Nuwab, to be enjoyed by him and such heirs only as might succeed to him as Nuwabs ; that it was one entire stipend claimable always by such one of the first Nuwab's heirs as might succeed him in the title and state of Nuwab, and in which no other heir but such one could have any claim to share by any right of law or custom, the whole stipend being inseparable from the title.

The proof of this lies in the fact, that the stipend was not granted by deed or sunud, in which case the grant, if made to a man and his heirs, would give to all heirs such right as by law they could claim, and the subject matter granted, whether land or stipend, would be a legal property to be claimed by suit or otherwise in any court of law ; but the stipend assigned to the Nuwab Nusseer-

ood-

ood-deen was part of a settlement made by treaty, to which the Nuwab as Nuwab was party on one side, and the East India Company on the other.

It is called in Persian عهد و پیمان which Colonel Ouseley translates "Treaty and engagement" between the East India Company and its successors جانشینان and the Nuwab Nusseer-ood-deen Khan, his heirs and successors وارثان و جانشینان. This is the ordinary form of all treaties and engagements made by the Government of India with the heads of states and petty principalities. The engagement is binding as a recognition of the hereditary right of the family to succeed to the title and state so secured by treaty; but it is only made with the head of the State, and whoever succeeds to be the head, is the only party that can claim under it. This construction and rule holds in Europe as well as in Asia. Were England to bind herself to pay to the King of Sardinia, or to the Grand Duke of Tuscany, his heirs and successors, a certain stipend or fixed sum per annum, performance of the stipulation could only be claimed by the heir of the party to the engagement who might succeed to the state and title, and an heir female not entitled to succeed could make no claim to separate the stipend from the State, or to take any part of it, if not admitted to be its ruling head. Treaties dealing with State revenue, deal with it as appurtenances of State, not as private property. A grant out of revenue is quite a different thing, and, if valid, creates a property according to the law of the country of which the grantee is the subject, or otherwise, as may be specifically provided in the grant; not so a treaty as above explained.

But it will be said the words of the fourth article of the treaty, stipulating for the payment of the stipend, do not bear this construction, for although the title or preamble declares the treaty to be concluded with the Company and its successors on one side, and the Nuwab and his heirs and successors on the other, it is stipulated in the fourth article that the stipend shall be paid to the Nuwab and his heirs without mention of successors. Much stress is laid upon this difference in the terms used. The reply to this is, that no argument can be built on the omission of the word successors in this clause, unless it be maintained that in consequence of such omission, supposing Nusseer-ood-deen to have had two or more sons (as indeed he had), each one of those sons could have claimed his legal share of the stipend by right of equal inheritance, the fact of the eldest son being raised to the musnud and made Nuwab notwithstanding. No one has ever maintained or attempted to assert such a claim on their part. If so, then the engagement as a treaty with heirs and successors, and, as such, securing a succession in perpetuity to heirs, governs all the stipulations, the fourth article amongst the rest, which secures payment of the stipend to the Nuwab and his heirs, that is, such heirs as shall be Nuwabs.

That this is the natural and fair interpretation is confirmed by reference to the Persian version. There we find the words نواب مع وارثان Nuwab mye warisan, *with* his heirs instead of *and* his heirs, which means that the amount shall be paid always to the Nuwab for him to make provision for his heirs and dependents, each Nuwab receiving the whole, and so in case a different construction had been put on the stipulation, that is, if the government of the day had proposed to divide the stipend amongst heirs, the recognised successor as Nuwab would have argued and maintained against such a proposition. This is further confirmed by the words used in respect to the fifth* of surplus revenue stipulated by the same article, as to be paid, also, in addition to the fixed stipend of a lakh, which was made a first charge on the revenues ceded. The words are پنجم حصه آن در این وقت و آینده در سرکار نواب صاحب رسانیده شود which Colonel Ouseley rightly translates, "a fifth portion both now and hereafter shall be paid to the Nuwab's Government." (Sirkar.) These words show clearly the understanding of the parties to the treaty, as to the nature of the provision reserved for the Nuwab out of the revenues ceded, and as to the manner of its payment; and this is further confirmed by the minute of Jonathan Duncan, Governor of Bombay,† who negotiated and made this treaty, in the 8th paragraph of which minute it is said—"By the proposed treaty all the powers of the native Govern-

ment

* The fifth was afterwards commuted for 50,000 per annum.

† 25th July 1800.

ment were to be vested in the Company, and the future Nuwabs to receive a fixed stipend of a lac of rupees per annum, and one-fifth more of the surplus net revenue." No one ever would pretend that the fifth surplus stood on a different footing from the lakh. Both, therefore, had to be paid entire to the Nuwab of the day so long as there should be a Nuwab.

But the Diary of the Governor, Jonathan Duncan, is especially relied upon as containing an assurance that the stipend would be continued to the Nuwab's family in perpetuity. There is no doubt that Mr. Duncan did point out to the Nuwab the benefit he received from the treaty, in that it secured a perpetuity to his family in lieu of the discretionary change at each succession, which had heretofore been witnessed. But this assurance applied to the succession to the Nuwabship, with its stipend, and not separately to the stipend, as argued: it guaranteed to the Nuwab that his successors should always be in the same position, *quâ* stipend, as well as *quâ* rank, and that no fresh treaty would be enforced lowering his successors in rank and diminishing their stipends. This is all that Governor Duncan could ever have intended or the Nuwab could ever have understood.

It may fairly be argued that the word "varis," meaning heirs general, and not being confined to male descendants, guarantees a perpetual succession to the Nuwabship, with its stipend, so long as there shall be such heirs forthcoming. This is a distinct ground, but not likely to be taken by Meer Jaffir, the son-in-law, for he personally is not a "varis," and he does not pretend that a daughter or grand-daughter is entitled to be made or declared Nuwab. The argument, if admitted, would compel the East India Company to look for a "varis" among the collaterals, for the word includes them, and raising one of them to the title and dignity, to give to him, according to the stipulations of the treaty of 1800, the entire stipend of Rs. 1,50,000 reserved out of the Surat revenue for the Nuwab so recognised and established.

The Government of India decided that the fair construction of the words of the treaty did not give collaterals a right to claim the succession to this Nuwabship, partly on the ground that no treaty or engagement of the kind has ever been considered as binding Government to heirs not descended from the founder of the family, who first obtained the title and dominion. The collaterals in this case not only are not descended from an ancestor who was Nuwab of Surat, but their ancestors had a separate position specifically assigned to them, at the same time that the first Nuwab was placed on the musnud. This separation is of itself an excluding circumstance.

On these grounds it seems to me that the right of Government to deal with the stipend as a lapse on the decease of the late Nuwab may be maintained before the Privy Council, with every prospect of success.

5 November 1856.

(signed) *H. T. Prinsep.*

(True copies.)

East India House, }
25 March 1858. }

(signed) *J. S. Mill,*
Examiner of India Correspondence.

EAST INDIA (NAWAB OF SURAT).

COPY of CORRESPONDENCE between Meer Jaffer Ali Khan and the Court of Directors, and between the Court and the Board of Control, respecting the PROPERTY of the late NAWAB of SURAT (in continuation of Parliamentary Paper, No 31, of Session 2, 1857); also, Copy of DISSENT recorded by Members of the Court of Directors on the subject; &c.

(*Sir De Lacy Evers.*)

*Ordered, by The House of Commons, to be Printed,
26 March 1858.*

EAST INDIA (AMEER ALI MOORAD).

RETURN to an Order of the Honourable The House of Commons,
dated 15 March 1858;—for,

COPIES “of any CORRESPONDENCE between the Court of Directors of the East India Company and the Ameer Ali Moorad of Khyrpore, and between the Court of Directors and the Board of Commissioners for the Affairs of *India*, relating to the Case of the said Ameer ; together with any PROTESTS or DISSENTS of individual Members of the Court of Directors relating to the aforesaid Correspondence ; and of any DESPATCHES to the Government of *India*, or the Government of *Bombay*, relating to the Case of Ali Moorad of Khyrpore, not already on the Table of this House.”

East India House, }
24 March 1858. }

J. D. DICKINSON,
Secretary.

(*Sir Harry Verney.*)

Ordered, by The House of Commons, to be Printed,
25 March 1858.

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East India House, }
24 March 1858. }

J. S. Mill,
Examiner of India Correspondence.

COPIES of CORRESPONDENCE between the Court of Directors of the East India Company and the Ameer Ali Moorad of Khyrpore, and between the Court of Directors and the Board of Commissioners for the Affairs of India, relating to the Case of the said Ameer; together with the PROTESTS or DISSENTS of individual Members of the Court of Directors relating to the aforesaid Correspondence; and of DESPATCHES to the Government of India, or the Government of Bombay, relating to the Case of Ali Moorad of Khyrpore.

No. 8 of 1856.

From Lieutenant-Colonel *J. Jacob*, c.b., Acting Commissioner in Sind, to the Right Honourable Lord *Elphinstone*, g.c.h., Governor and President in Council, Bombay.

My Lord,

I HAVE the honour to bring to the notice of your Lordship in Council, that the Collector of Shikarpoor reports that notwithstanding Mr. Frere's and his own repeated counsel and advice to the contrary, his Highness Meer Ali Morad, Khan of Khyrpore, appears to be determined to quit Sind, to obtain redress for the resumption of his territories in 1852, and proceed to England as a private person. Political Department.

2. The Meer has intimated to the Collector of Shikarpoor his intended early departure for Kurrachee, and his having made over charge of his possessions to his eldest son, Meer Shah Nuwauz.

3. Under the instructions conveyed in the letter noted in the margin, I purpose taking no steps to prevent this proceeding on the part of his Highness. At the same time, I purpose not to receive him, or to acknowledge him in any way as a public person while he may be on a journey undertaken without the consent of Government, and I trust this course will meet with the approval of your Lordship in Council. No. 141, dated 20 March 1852, from Chief Secretary to Government.

I have, &c.
(signed) *John Jacob*, Lieut.-Col.,
Acting Commissioner in Sind.

Commissioner's Office, Camp, Tatta,
Kurrachee Collectorate,
5 April 1856.

No. 13 of 1856, Political Department.

From the Acting Commissioner in Sind to the Right Honourable Lord *Elphinstone*, g.c.h., Governor and President in Council, Bombay.

My Lord,

WITH reference to my letter as per margin,* I have the honour to state, for the information of your Lordship in Council, that the Collector for Shikarpoor, in a letter dated 8th instant, reports that his Highness Meer Ali Morad embarked on the 7th instant on board a steamer at Sukkur, together with his third son, Meer Jan Mahomed.

2. His

* No. 8, dated the 5th instant, reporting the intended departure to England of his Highness Meer Ali Morad.

PAPERS RELATING TO THE

2. His Highness is also accompanied by the following persons :

1. Hussun Ali, who was for some years retained in Bombay as his agent, and brother to the notorious Dulleel Khan.
2. Cazee Jan Mahomed, a person of low intriguing habits.
3. Imomooddeen, a native of Hindostan, a Hukeem.
4. Moolve Kumroodeen, formerly a vakeel employed in the service of the Khan of Bhawulpoor.

3. The Collector of Shikarpoor states that the two last mentioned are mere companions, little acquainted with the affairs of the Meer, and his Highness has only become acquainted with Moolvee Kumroodeen on the present occasion, that person having frequently visited Bombay in executing the commissions of his former master. His Highness is further attended by about six menial servants.

4. The Meer reached Tatta on the 9th instant, *en route* to Kurrachee.

I have, &c.
(signed) *J. Jacob*, Lieut.-Col.,
Acting Commissioner in Sind.

Commissioner's Office, Camp, Ghorabharree,
Kurrachee District, 14 April 1856.

RESOLUTION by the Honourable Board, dated 22 April 1856.

RESOLVED, That the course which the Acting Commissioner proposes to adopt, as reported in the 3d para., may be approved, and would appear to be in accordance with the intentions of the Government of India, as communicated in Mr. Officiating Under Secretary Thomas's letter, dated the 27th February 1852.

That these proceedings be communicated to the Government of India.

(signed) *Elphinstone.*
A. Malet.

India, 22 April 1856.

No. 2019 of 1856.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Lieutenant-Colonel *John Jacob*, c.B., Acting Commissioner in Sind.

Sir,

Political Department.

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letters, Nos. 8 and 13, dated the 5th and 14th instant, relative to the proceedings of his Highness Meer Ali Morad, and am instructed to inform you in reply, that the course resolved upon by you, and reported in the 3d para. of your first-mentioned letter, is approved.

2. Your proceedings appear to his Lordship in Council to be in accordance with the intentions of the Government of India, as communicated in Mr. Officiating Under Secretary Thomas's letter, dated the 27th February 1852, the substance of which was communicated to Mr. Frere in Mr. Chief Secretary Malet's letter No. 141, dated the 20th of the following month.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

Bombay Castle, 26 April 1856.

No. 1651.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Lieutenant-Colonel *John Jacob*, c.B., Acting Commissioner in Sind.

Sir,

Political Department.

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter, No. 150, dated the 20th ultimo, with enclosures from

from his Highness Meer Ali Morad Khan Talpoor, intimating it to be his intention to proceed to England, and appeal to Her Majesty against the decision which has been passed in his case.

2. In reply, I am instructed to request that, for a decision on his letter to the address of this Government, you will have the goodness to refer Meer Ali Morad to Mr. Officiating Secretary Allen's letter to his address under date the 24th April 1852, which formed one of the enclosures to Government letter, No. 205, to Mr. Frere's address, under date the 7th of the following month.

3. You are at the same time requested to inform his Highness that, under the resolution of the Government of India, contained in Mr. Secretary Allen's letter above-mentioned, this Government declines to forward his Highness's letter to the Right Honourable the Governor-General of India, which is accordingly herewith returned.

I have, &c.

(signed) *H. L. Anderson,*
Secretary to Government.

Bombay Castle, 10 April 1856.

No. 62 of 1856.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, in the Foreign Department.

Sir,

REFERRING to Mr. Officiating Secretary Allen's letter, No. 1215, dated the 24th April 1852, with enclosures, I am directed by the Right Honourable the Governor in Council to report, for the information of the Government of India, that a letter has been received from his Highness Meer Ali Morad, enclosing one to the address of the Right Honourable the Governor-General of India, intimating it to be his intention to proceed to England, and appeal to Her Majesty against the decision which has been passed in his case.

2. I am desired to state, for the information of the Right Honourable the Governor-General of India in Council, that his Highness's letter has been returned to him, through the Commissioner in Sind, who has been instructed to inform Meer Ali Morad, that, under the clear and positive decision of the Government of India, contained in Mr. Secretary Allen's letter above-mentioned, this Government declines to forward to its address the communication in question.

I have, &c.

(signed) *H. L. Anderson,*
Secretary to Government.

Bombay Castle, 10 April 1856.

From Meer Ali Morad to the Right Honourable Lord *Elphinstone*, G.C.H.,
Governor of Bombay.

My Lord,

Hope Hall Hotel, 21 April 1856.

I HAVE much pleasure in acquainting your Lordship of my arrival here, and shall feel highly gratified at meeting your Lordship. I had written three letters to the Commissioner in Sind, and also addressed Lord Canning and yourself, making known my intention of proceeding to England for the purpose of paying my respects to Her Most Gracious Majesty the Queen; but regret to say received no intimation of my letters having been received up to the present moment. On taking leave of the Collector of Shikarpore, that gentleman informed me he would acquaint the Commissioner of my departure from Khayrpore. I much fear all my letters on this subject, of so much vital importance to me, have gone astray. I should inform your Lordship all my letters were

sent through Major Stewart, the officer deputed to act between the British Government and myself. Trusting soon to have the pleasure of meeting your Lordship,

I am, &c.



Seal of Meer Ali Morad.

MEMORANDUM by the Right Honourable the Governor.

I BEG that an answer to this letter may be sent through the Persian Department (to be signed by the Secretary to Government in the Political Department), intimating to Meer Ali Morad that his letter to the address of the Right Honourable the Governor-General of India, to which he refers, was sent by this Government on the 10th instant, to the Acting Commissioner in Sind, for the purpose of being returned to him, this Government declining to forward to his Lordship a letter, in which his Highness re-agitated subjects which had been finally set at rest by the letter addressed to his Highness by Mr. Allen, Officiating Secretary to the Government of India, under date the 24th April 1852.

That his Highness be at the same time informed that the Government of India having already, as he is aware, refused to give its consent to his proceeding to England, it is quite out of my power, while he is acting in open opposition to that high authority, to admit him to a personal interview, or in any way to recognise him, now that he is beyond the limits of his own territory.

That the Government of India be informed that an intimation to the foregoing effect has been made to Meer Ali Morad.

(signed) *Elphinstone.*

22 April 1856.

No. 1930 of 1856.—Political Department.

RESOLUTION.

ORDERED, That a letter be immediately prepared in the Persian Department for the signature of the Secretary to Government in the Political Department, in acknowledgment of a letter from his Highness Meer Ali Morad, to the address of the Right Honourable the Governor, dated the 21st instant.

2. That his Highness be informed that his letter to the address of the Right Honourable the Governor-General of India, to which he refers, was sent by this Government on the 10th instant to the Acting Commissioner in Sind, for the purpose of being returned to the writer; this Government declining to forward to his Lordship a communication in which subjects are re-agitated which had been finally set at rest by the letter addressed to his Highness by Mr. Allen, Officiating Secretary to the Government of India, under date the 24th April 1852.

3. That his Highness at the same time be informed that the Government of India, having already, as he is aware, refused to give its consent to his proceeding to England, it is quite out of the power of the Right Honourable the Governor, while his Highness is acting in open opposition to that high authority, to admit him to a personal interview, or in any way to recognise him, now that he is beyond the limits of his own territory.

(signed) *H. L. Anderson,*
Secretary to Government.

Bombay Castle, 23 April 1856.

Persian Department.

TRANSLATION of a Letter from *H. L. Anderson*, Esq., Secretary to Government, to His Highness Meer Ali Morad, dated 23 April 1856.

IN reply to your Highness's letter, dated the 21st instant, I am directed to inform your Highness that your letter to the address of the Right Honourable the Governor-General of India, to which you refer, was sent by this Government, on the 10th instant, to the Acting Commissioner in Sind for the purpose of being returned to you, this Government declining to forward to his Lordship a communication in which subjects are re-agitated which had been finally set at rest by the letter addressed to your Highness by Mr. Allen, Officiating Secretary to the Government of India, under date the 24th April 1852.

I am, at the same time, directed to inform your Highness, that the Government of India having already, as you are aware, refused to give its consent to your proceeding to England, it is quite out of the power of the Right Honourable the Governor, while your Highness is acting in open opposition to that high authority, to admit you to a personal interview, or in any way to recognise you, now that you are beyond the limits of your own territory.

(signed) *H. L. Anderson*,
Secretary to Government.

No. 67 of 1856.

(Office, No. 1931.)

From *H. L. Anderson*, Esq., Secretary to Government of Bombay, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, in the Foreign Department, Fort William.

Sir,

IN continuation of my letter, No. 62/1652, dated the 10th instant, on the subject of his Highness Meer Ali Morad's proposed departure to England, I am directed by the Right Honourable the Governor in Council to state, for the information of the Right Honourable the Governor-General of India in Council, that his Highness arrived in Bombay, from Kurrachee, on the 20th instant, and on the following day addressed a letter to the Right Honourable the Governor, requesting an interview, and inquiring after the communications referred to in my letter already quoted. Political Department.

2. After informing his Highness, in reply, as to the disposal of the letter to the Governor-General's address, and the reason for its being returned, he has been told that the Government of India having already refused to give its consent to his proceeding to England, it is quite out of the power of the Governor of Bombay, while his Highness is acting in open opposition to that high authority, to admit him to a personal interview, or in any way to recognise him, now that he is beyond the limits of his own territory.

Bombay Castle,
23 April 1856.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

From *H. L. Anderson*, Esq., Secretary to Government of Bombay, to Lieutenant-Colonel *John Jacob*, c. b., Officiating Commissioner in Sind.

Sir,

REFERRING to my letter, No. 1651, dated the 10th instant, on the subject of his Highness Meer Ali Morad's proposed departure to England, I am directed to inform you that his Highness reached Bombay on the 20th instant, and that on the following day he addressed a letter to the Right Honourable the Governor, a copy of which is enclosed, for record in your office, requesting an interview with his Lordship, and inquiring after the communications enclosed in your letter, No. 150, dated the 20th ultimo. Political Department.

2. A copy of my reply of this date, to his Highness, is also enclosed for your information.

Bombay Castle,
23 April 1856.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 69 of 1856.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, in the Foreign Department, Fort William.

Sir,

Political Department.

IN continuation of my letter, Nos. 62/1652 and 67/1931, dated the 10th and 23d instant, I am directed by the Right Honourable the Governor in Council to transmit to you, for the information of the Right Honourable the Governor-General of India in Council, copies of two letters from the Acting Commissioner in Sind, Nos. 8 and 13, dated the 5th and 14th idem, reporting the progress of his Highness Meer Ali Morad, *en route* to Europe.

2. This Government has approved of Colonel Jacob having resolved to take no steps to prevent his Highness's departure, as well as his decision not to receive this chief nor to acknowledge him in any way as a public person, while acting in opposition to the expressed wishes of the Government of India.

3. These proceedings of Colonel Jacob appear to be in accordance with the intentions of the Government of India, as communicated in Mr. Officiating Under Secretary Thomas's letter, dated the 27th February 1852.

Bombay Castle,
26 April 1856.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 186 of 1856, Persian Department, 26 April 1856.

SUBSTANCE of a Letter from his Highness Meer Ali Morad to *H. L. Anderson*, Esq., Secretary to Government, dated 25th, and received and ordered to be translated 25 April 1856.

A. C.

I BEG to acknowledge the receipt of your reply to my letter to the Right Honourable the Governor, on the subject of my proceeding to England through necessity. I am very sorry to learn from it, that because the Government of India has refused to give its consent to my going to England, the Right Honourable the Governor declines to admit me to a personal interview. Government officers have never displeased nor acted improperly towards a sincere and devoted friend like me. Nevertheless, I was for some time in hopes of being treated with kindness and consideration by Government, but no one took any notice of me. At last matters have come to such a crisis as to leave me no other remedy than of proceeding to England, and representing my case to the authorities there. Having, therefore, submitted myself to all the inconveniences of a journey, I have arrived here, but the friends of this place also (Government authorities) have not treated me according to the usual practice. I am very sorry for this; moreover, I am much surprised that the Government of India should be displeased with, and should withhold their consent to my proceeding to England, a place to which the high and low are allowed access to pay their respects to Her Majesty the Queen. It is not proper that the Government of India should show any disinclination in this matter. There is nothing wrong or injurious in paying homage to one's sovereign, and laying his case before him. On the contrary, such a proceeding is calculated to produce beneficial effects. In short, it is a source of much regret and grief to me to find that my past services should not have met with a due reward. Nevertheless, I have even now left my eldest son Shah Nuwaz Khan there, with instructions to render service, and to be obedient to Government, agreeably to the usual practice, and I have come to this place. I have no doubt but that he will act according to the usual practice, and I am relieved. I beg that I may be favoured with an early reply to this letter.

(signed) *Venoyek Wassoodew*,
Oriental Translator to Government.

RESOLUTION by the Honourable Board.

Resolved,—That receipt of this letter be acknowledged, and his Highness Meer Ali Morad referred to the former letter to his address, as containing the unaltered views of the Right Honourable the Governor.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

27 April 1856.

No. 2036 of 1856.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to His Highness Meer Ali Morad, Bombay,

Your Highness,

I HAVE the honour to acknowledge the receipt of your Highness's letter, dated the 25th instant, which I have submitted to the Right Honourable the Governor, and, in reply, I am directed to refer you to my letter to your address, dated the 23d instant, as containing the unaltered views of the Right Honourable the Governor in Council.

Political
Department.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

Bombay Castle, 28 April 1856.

LETTER from His Highness Meer Ali Morad to the Chairman of the Court of Directors.

Honourable Sir,

St. John's-wood, 25 August 1856.

ON the 18th of June last, I had the honour to inform you of my arrival in this country, and a few days back I sent to you my son for the purpose of soliciting an interview with you, as, in accordance with all precedent, I am anxious to wait upon you, who are the Chairman of the East India Company, the rulers of India.

On that occasion you, in the kindest manner, explained to him that I might come whenever I pleased; but after this, when he waited upon you again, to fix the exact time for an interview, you replied to him that an interview was not requisite.

For this reason I am uncertain what your real intention is, and therefore write you this letter that you may be so kind as to intimate to me whether you will grant me an interview, and when I shall have the honour to wait upon you.

I have not concealed from you with what object I have quitted India and arrived in this country, which is, to obtain an impartial inquiry into the proceedings which have been adopted against me in India.

I do not desire, if you should wish it, to discuss the merits of my affair, which I leave for correspondence; but I am desirous to pay you that courteous attention and respect, and to exchange those compliments with you which I believe are usual and customary on the arrival of persons of my rank in this country.

I have, &c.
(signed) *Meer Ali Morad.*

To His Highness Meer Ali Morad.

Sir,

East India House, 12 September 1856.

I AM commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 25th ultimo, addressed to their Chairman, and, in reply, I am directed to observe that your son entirely misunderstood the purport of the Chairman's communication to him; the Chairman having expressed only his willingness to receive your son as a private gentleman.

158.

B

With

With respect to the request contained in your letter, that the Chairman of the Court of Directors will be "so kind as to intimate whether he will grant you an interview, and when you shall have the honour to wait upon him," I am commanded to inform you that the circumstances of your case preclude the Chairman of the Court of Directors from receiving your proposed visit.

I have, &c.
(signed) *T. D. Dickinson,*
Deputy Secretary.

Sir,

India Board, 19 November 1856.

I AM desired by the Commissioners for the Affairs of India to transmit to the Court of Directors of the East India Company, for any observations that they may have to make thereupon, a petition addressed to the Queen by Meer Ali Morad of Sind, and received at this office from the Secretary of State for the Home Department.

Sir J. C. Melvill, K. C. B.

I am, &c.
(signed) *George Clerk.*

Sir,

East India House, 27 November 1856.

I HAVE received and laid before the Court of Directors your letter of the 19th instant, transmitting for any observations which the Court might have to make thereon, a petition addressed to the Queen by Meer Ali Morad of Sind, and I am directed to state, in reply, that, in the opinion of the Court, Meer Ali Morad should be informed, through the Government of India, that the measure by which he was deprived of the rank of Raees and of a portion of his territories, was adopted after a judicial investigation, in which he had full opportunity of defending himself, and that the decision so passed is final.

The original petition is herewith returned.

I have, &c.
The Secretary, India Board. (signed) *J. C. Melvill, Secretary.*

Sir,

India Board, 4 December 1856.

I AM desired by the Commissioners for the Affairs of India to state that they agree in the opinion of the Court of Directors of the East India Company expressed in your letter of the 27th ultimo, as to the steps which should be taken with reference to the petition addressed to the Queen by Meer Ali Morad of Sind.

Sir James C. Melvill, K.C.B.,
&c. &c. &c.

I am, &c.
(signed) *Wm. Leach.*

His Highness Meer Ali Morad to the Chairman of the Court of Directors.

Sir,

No. 18, Carlton Hill East,
20 November 1856.

I AM very sorry to find from your answer to my letter that you think fit to decline the visit to you that I had proposed.

When my vakeel delivered to you my letter requesting an interview with you, he informs me that you used kind expressions towards me, and that you stated "that what the ameer wants in justice, by putting his claims in writing he will get from the East India Company."

I have therefore hastened to comply with your suggestion to send you my wishes in writing.

When I first arrived in this country, I was advised to present a petition to Her Majesty the Queen as the most direct way of making known what I complain of. I have therefore caused a petition to be prepared which contains a true

true statement of all the circumstances of my case, and I enclose to you and the other Directors of the East India Company a copy of that petition, which I hope will be read by each of them.

I should be very glad if a perusal of it should lead to a settlement of the differences which have unhappily arisen between us, and to affording me redress for the evil I have suffered, by restoring to me that of which I have been deprived.

My only desire in coming to this country was to have justice done to my claims. I have no wish to be at enmity with you, but would rather receive that justice at your hands, if you will accord it to me.

I am, &c.



The Seal of Meer Ali Morad Khan Talpoor.

(Copy.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition of His Highness Ameer Ali Morad Khan Talpoor, of Khyrpoor, of Upper Sind, in India,

Sheweth,

THAT your petitioner is the direct descendant, and is now the representative, of a line of princes who from time immemorial have been sovereigns and chieftains of Upper Sind, in India.

That your petitioner was, until very recently, the independent sovereign of Khyrpoor and the greater portion of Upper Sind, and was, as such, in the possession and government of territories yielding to him an annual revenue of eleven lacs of rupees per annum, amounting to 110,000*l.* British money, and inhabited by 800,000 people.

That your petitioner has now to complain, that in violation of the most express and solemn treaties, by proceedings which set at nought the principles and forms of justice, by a decision founded on the evidence of infamous and interested witnesses, by unjustifiable and unauthorised interference with your petitioner's rights as an independent sovereign, and by oppression and tyranny, and in disregard of great services rendered by your petitioner to the British Government and arms in India, your petitioner has been despoiled of almost the whole of these possessions and revenues, and has been compelled to come to this country as a suppliant to obtain redress against grievances and cruel wrongs committed in the name of the British Sovereign and nation.

That, under such circumstances, your petitioner implores the patient attention of your Majesty to a brief and inadequate statement of the wrongs he has suffered.

That your petitioner's father, Meer Sohrab, was, up to and at the period of his death in the year 1822, the independent sovereign of Khyrpoor.

That your petitioner, who was the youngest son of that sovereign, and who was only 13 years of age at the death of his father, acquired under his will, according to the usages of the country and the Talpoor dynasty, an immediate patrimonial possession of considerable extent, and the reversion to the sovereignty after the death of his elder brothers.

That after the death of your petitioner's father in 1822, your petitioner's elder brother, Meer Rotum Khan, succeeded to the sovereignty of Upper Sind, and continued to wield the sceptre of government till the year 1842, when he ceded the turban to your petitioner as hereinafter mentioned, your petitioner then being the nearest heir to it, his immediate elder brother, Meer Moobaruck Khan, having died in the year 1839.

That in the year 1832 the British Government, under the allegation of promoting commercial relations with the district of Sind, entered into a treaty with the family of your petitioner, which contained the following clause: "There shall be eternal friendship between the two States. The two contracting parties

mutually bind themselves from generation to generation never to look with the eye of covetousness on the possessions of each other."

That by a treaty entered into on the 29th of December 1838 between Sir Alexander Burnes on the part of the Governor-General of India and your petitioner's eldest brother, who was then the sovereign, and which was duly ratified, the following stipulation, among others, was inserted: "The East India Company hereby agrees never to covet one reea of the revenue of the share of Scinde in possession of Meer Ali Moorad Khan, nor to interfere in its internal management. The said Company further agrees to preserve the same friendly relation towards the said Meer Ali Moorad Khan and his descendants that it does towards Meer Roostum Khan in conformity with the terms of the treaty now made with his Highness Meer Roostum Khan."

That at the time of his father's death your petitioner, who was many years younger than his brothers, was placed under the care of his elder brother, Meer Roostum Khan; that from him, as well as from Meer Mobarick Khan, your petitioner's other brother, your petitioner suffered grievous wrongs and injustice. Large portions of your petitioner's territories derived from his father were seized by your petitioner's said brothers, and in consequence of this, when your petitioner grew up, feuds and disputes arose between your petitioner and his brothers and their families.

That some of the said disputes were arranged by means of the interference of the British Government, and eventually, in the month of September 1842, a formal settlement of differences took place by treaty, entered into on the field of battle (called the treaty of Nownahur), after a victory obtained by your petitioner over the armies of Meer Roostum Khan and Meer Nusseer Khan (the son of Meer Moobarick Khan, then dead), by which treaty certain territories were acknowledged as the patrimonial possession of your petitioner, and certain other territories were ceded in compensation for wrongs that he had suffered.

That by a subsequent treaty of the 20th of December 1842, entered into at Deejee, and known as the Turban treaty, your petitioner's brother, Meer Roostum Khan, then upwards of 85 years of age, and unable to meet the troubles that were then arising, resigned the turban or sovereignty in favour of your petitioner, to whom it belonged in succession by his father's will, and that the right of your petitioner to the sovereignty and all the territories appertaining thereto were fully recognised by the British Government.

That about this period disturbances arose and events occurred with which the Government of this country is well acquainted, and which led to the invasion of Sind by Sir Charles Napier.

That your petitioner, relying on the faith of the treaties entered into with him, and on the honour of the English nation, joined his forces to those of the British, and at the battle of Meeanee in particular supported Sir Charles Napier with a large body of cavalry, your petitioner at the same time protecting with his army the whole of Upper Scinde from the hostile Beloochees.

That your petitioner also accompanied and assisted Sir Charles Napier in the Truckhee or Hill campaign, and that the important services rendered by your petitioner throughout this war have been fully and repeatedly acknowledged, especially by Lord Ellenborough, who stated, in a despatch dated the 17th of August 1843, that your petitioner "had been a faithful ally when his sudden and unexpected enmity might have been fatal to our army;" by Sir Charles Napier, who stated that "Ali Morad's conduct appears to have been loyal from first to last, both to his family and to the British Government;" and by many other high authorities, whose honourable testimony your petitioner does not think it necessary now to cite.

That in spite of the earnest advice of your petitioner some of his family joined the enemies of the British Government, and that in consequence of this, after the battles of Meeanee and Dubba, their lands were confiscated to the British Government.

That your petitioner being then the undoubted and recognised sovereign of Upper Sind, having proved himself the fast and firm friend and ally of the British Government, and having forwarded the wishes and objects of that Government by placing at its disposal certain of his territories which the Government was desirous of exchanging with native chiefs, in order to secure an improved boundary of the British possessions on the Indus, a treaty was prepared

pared between your petitioner and the British Government, by which your petitioner's rights to his territories, and amongst others to those ceded by the Nownahar and Turban treaties were secured and defined.

That the draft of this treaty, approved by Sir Charles Napier, was forwarded to the Government of India in 1845, but under one pretence or another the final ratification of it by the Government was postponed until the month of April 1850, when the circumstances hereinafter mentioned took place.

That during the whole of this period, from 1843 to 1850, your petitioner was treated as an independent and allied sovereign, and that in January 1850 he received at his residence a visit in state from the Governor-General in India.

That upon the occasion of this visit the Governor-General was accompanied by Mr. Pringle, the Commissioner of Sind, and your petitioner is now aware that long previous to, and at the very time of that visit, Mr. Pringle had been and was secretly obtaining evidence against your petitioner, with a view of fastening on your petitioner a charge tending to his ruin and disgrace, and of inducing the Government to refuse the recognition or confirmation of the draft treaty submitted to the Government by Sir Charles Napier, as will appear by Mr. Pringle's letters to the Government of Bombay, written the very day before his visit to your petitioner.

That Mr. Pringle was, as your petitioner now knows, obtaining this evidence in consequence of information which had been given to the British Government implicating your petitioner in a charge of having fraudulently introduced into the treaty of Nownahar, hereinbefore mentioned, a page by which he added to the possessions then ceded to him by his relatives territories worth about 10,000 *l.* British money, a year, by substituting the word "*pergunnah*," meaning district, for "*deh*," meaning "*village*" or "*town*," the district and village bearing the same name.

That your petitioner, once for all, most solemnly denies that there is any truth whatever in this accusation.

That your petitioner now knows that so early as 1847 a statement had been made to this effect to the British Government by a man of the name of Sheik Ali Hoosein, but which accusation was kept a secret from your petitioner.

That the man who offered this information had been a minister of your petitioner, and in 1845 had fled his dominions to avoid punishment for embezzlement, and his estate had been confiscated by your petitioner.

That about the same year 1847, Mounshee Jokee Ram, a man of infamous character, and then a prisoner in a British gaol in India, under sentence as a convict for bribery and embezzlement, offered information to sustain the story of Sheik Ali Hoosein, and having bargained with the British police for his release, mentioned Tower Mull, who was also at the same time in confinement undergoing sentence, and Peer Ali Gohur, who had been formerly in your petitioner's employment, and who was implicated with Sheik Ali Hussein in embezzling your petitioner's property, as witnesses in support of the charge.

That every one of these witnesses stipulated in writing for large rewards as the condition of giving their information, and also stipulated for pardon of their previous crimes, and some of them for employment under the Government, and that one of them in particular, Jokee Ram, stipulated that, as the price of his testimony and assistance, he should receive a fourth of whatever might by means of his information be taken from your petitioner by the British Government.

All of these witnesses have since been rewarded for their purchased testimony, and such of them as were suffering imprisonment for their crimes were released.

The character of these witnesses was thus described by the Chief Commissioner of Sind, Mr. Pringle, in a despatch sent by him to the Government of India in 1850:

"It is true that the witnesses are reputed to be notorious and unscrupulous intriguers. They are, by their own showing, accessories to the alleged fraud, and they are now at bitter enmity with Ali Morad; it is therefore just possible (!) that they may have conspired to get up this charge against him."

And the lieutenant of police thus summed up the character of Jokee Ram in a letter sent by him to the Government in 1849: "I need hardly mention that the individual, Jokee Ram, whose statement I forward, was formerly in the Political Agent's office at Shikarpoor, and afterwards head mounshee in the

Collector's office ; he was tried and imprisoned for bribery and embezzlement ; he is well known as a very talented though unworthy person."

That for the space of three years the Government and their agents, and especially the said Mr. Pringle, continued, with the aid of these persons, to obtain evidence for the purpose of fixing the charge upon your petitioner.

That these proceedings were carried on by the police and other authorities in secret, and were actually prosecuted by Government officials, while the Government were lavishing on your petitioner professions of regard and respect.

That some of the said officials, and Mr. Pringle in particular, were received by your petitioner under his roof with all confidence, openness, and hospitality ; and your petitioner now knows that Mr. Pringle did not consider it any breach of the laws of honour to avail himself of the opportunity thus afforded of prosecuting in your petitioner's own palace secret inquiries for the purpose of substantiating the accusation made against your petitioner.

That these facts do not rest upon the mere allegation of your petitioner, but are substantiated by official documents which have been laid before the House of Commons.

That in December 1849 Mr. Pringle forwarded a secret despatch to the Government, in which he stated his conviction of the truth of the charge made against your petitioner, and pointed out the advantages that would arise to the Indian Government in point of revenue from the confiscation of your petitioner's territory, and strongly urged that the Government should at once proceed to act on the assumption of your petitioner's guilt, and stated his opinion that there was no use in affording your petitioner any opportunity of denying the charge or of explanation, as your petitioner, whether guilty or innocent, would be sure to deny it.

That this advice remains recorded in a secret minute of Mr. Pringle, which has been for some time before the House of Commons.

That about the time at which he forwarded this advice to the Governor-General, Mr. Pringle applied to your petitioner for the Koran in which the treaty of Nownahar was written, and your petitioner, without hesitation, forwarded it to Mr. Pringle.

That when this book came to the hands of Mr. Pringle, he at once pronounced that the story which had been told by the witnesses before the police and other authorities of the manner in which a leaf of the treaty had been abstracted and another substituted, was entirely refuted by the appearance of the book. That upon this the witnesses were again summoned before the authorities, and the Koran so obtained from your petitioner was shown to them. It was then pointed out to them that the appearance of the book did not support their statement, and they were allowed to frame a new story consistent with the appearance of the book.

That unfortunately for your petitioner it happened that there were among the authorities in India many who disapproved of the proceedings adopted by the then Governor-General of India with respect to Sind, and who differed from the policy pursued by him with respect to that country, and who in consequence became hostile to your petitioner for having aided and assisted with his forces the British army and its successful general in carrying out these proceedings and enforcing that policy ; and it is a fact, which can be proved by documentary evidence, that after the subjugation of Sind, the defeat of the Ameers who took up arms against the British Government, and the confiscation of their estates ; and when the power of the British Government was entirely established, and the country was once more in a peaceful condition, grave doubts were suggested by the authorities who were adverse to the policy which had been pursued, whether the hostile proceedings of the Government against the Ameers could be justified, and a strong feeling of sympathy was thus awakened on behalf of the vanquished Ameers, who, in poverty and exile, were suffering the penalties inflicted upon them by the British Government ; and your petitioner is conscious that there was a strong desire on the part of such authorities to deprive your petitioner of portions of his territories, and to hand them over to the subject Ameers, if a proper or sufficient pretext could be found to justify such a proceeding.

That the Governor-General of India refused to accede to the advice of Mr. Pringle to act on the assumption of your petitioner's guilt, but appointed a Commission of three persons to investigate the matter and report.

That

That Mr. Pringle himself was named as Chief Commissioner, and that of the persons associated with him one was Major Jacob, who had previously published a pamphlet, in which the strongest expressions of abuse had been applied to your petitioner. The third Commissioner was a military officer, who, from his position and calling, was not qualified, as your petitioner submits, to act in such a capacity on such an occasion.

That the injustice of nominating Mr. Pringle and Major Jacob as Commissioners is, your petitioner submits, obvious. The guilt of your petitioner was with them a foregone conclusion, and yet your petitioner has heard with much surprise that the inquiry conducted by the persons so nominated as Commissioners has been called a fair and impartial one.

That your petitioner affirms that any fair and impartial tribunal must, under the circumstances, have wholly acquitted your petitioner. The stories told by the infamous and deeply interested witnesses, who were called as accusers of your petitioner, were believed and acted upon by the Commissioners. The witnesses who were called on behalf of your petitioner, men of high standing and reputation, were treated as unworthy of credit. Yet your petitioner with confidence submits, that when the statements made by the accusing witnesses at different times are contrasted and compared, such discrepancies will be found as ought to render the testimony of such witnesses, men of notoriously bad character, the bitter enemies of your petitioner, and, by their own confessions, the accomplices in a fraud with which they seek to charge your petitioner, wholly unworthy of credit; in addition to which, the improbabilities with which the evidence of these witnesses abounds should have taught the Commissioners a better estimate of the value of such testimony when weighed against that of witnesses of such high and irreproachable character and standing as those who were produced by your petitioner.

That the Commissioners so appointed came to Sukkur to hold their investigation, and commenced their inquiry on the 20th of April 1850.

That the very first notice your petitioner had of these proceedings, or of the charge then made against him, was by a letter dated the 8th of April 1850, accusing him of making certain alterations in the treaty of Nownahar, and informing him that a Commission had been issued to investigate the charge, but giving him no information as to the evidence by which it would be supported.

That this letter was received by your petitioner on the 13th, and the Commission commenced their sittings on the 20th April 1850.

That your petitioner, was thus called on, at a notice of seven days, to defend himself against a charge not clearly stated, without any information of the evidence by which it was to be supported.

That your petitioner, wholly unaccustomed to European forms of proceeding, and without the means of obtaining at such short notice European professional assistance, was unable to sift the evidence given by the accusing witnesses, to show how the stories told by them had been concocted and concerted, or to expose their falsehood and fraud; and the date at which the inquiry took place, nearly eight years after the treaty of Nownahar had been signed, placed your petitioner under overwhelming difficulties and disadvantages, inasmuch as he was deprived by death of many of the most important witnesses by whom he could have refuted the statements of his accusers, exposed their perjuries, and defeated their wicked designs; and your petitioner calls pointed attention to the fact, that though the charge against your petitioner had been secretly inquired into for nearly three years before he was made aware of the existence of any accusation against him, it was supported solely by infamous and interested witnesses, although it was well known to the Commissioners, from the investigations which had previously been made, and from what took place before them, that other most important witnesses could have been called, who would, if the story of the accusers had been true, have been able to corroborate their statements most materially, and yet not one of such witnesses was called or produced upon the inquiry.

Your petitioner tendered such evidence in support of his indignant denial of the charge as he could at such short notice command, and his witnesses completely refuted the story of the accusers; and your petitioner desires to call particular attention to a fact, which was in evidence before the Commission, and which ought, as your petitioner submits, to have gone far to exonerate your

petitioner from the grave charge made against him. In August 1843, just after the time when your petitioner is charged with having abstracted a leaf containing a portion of the original treaty of Nownahar, and substituting another in its place, Captain Pope, a Government agent, and an accomplished Persian scholar, was sent by Sir C. Napier to Khyrpoor to inspect the treaty of the Turban, and he then took the opportunity of carefully examining the Koran containing the treaty of Nownahar, and had a copy of that treaty made. The treaty was produced to Captain Pope by Sheik Ali Hassein, in the presence of many witnesses, and Peer Ali Gohur, who was present, being appealed to by Captain Pope, deposed on his oath that the treaty was genuine and authentic. If the treaty had been tampered with, Captain Pope could hardly have failed to discover the evidence of the fraud, and yet he detected no signs of forgery, and believed, and acted in the belief, that the treaty was genuine. Captain Pope was not examined, but your petitioner ventures to think that the fact above stated ought to have made a deep and favourable impression in your petitioner's favour, but, like other circumstances tending to the exculpation of your petitioner, it was passed over by the Commission without a comment.

That the Commissioners, by an instrument dated 8th May 1850, reported to the Government that the charge brought against your petitioner was proved.

That upon the transmission of this report to the Government of Bombay, the same, together with a minute written by Lord Falkland, the then Governor of Bombay, and Sir Willoughby Cotton, the Commander-in-Chief, another minute by the Honourable Mr. Willoughby, and a third by the Honourable Mr. Blane, members of the Council, was forwarded to Lord Dalhousie, the Governor-General of India, who, by a minute dated 27th February 1851, referred the whole question to the Honourable Court of Directors.

The judgment of that Court is, as your petitioner assumes, embodied in a most arbitrary proclamation, bearing date the 21st January 1852, and signed by H. B. E. Frere, the Commissioner in Sind, whereby the British Government declared that your petitioner should be degraded from his rank of Rais, and that all your petitioner's lands and territories, excepting those hereditary possessions only which were allotted to him by his father Meer Sohrab, should henceforth be a portion of the British empire in India.

That the lands affected by the alleged forgery formed but a very inconsiderable portion of the territories thus confiscated.

That although the authorities in India were, as your petitioner has stated, strongly prejudiced against your petitioner, this most unjust and cruel sentence of degradation and deprivation is a far graver penalty than either the Governor of Bombay, the members of the Council, or the Governor-General had thought of suggesting as a punishment to be inflicted upon your petitioner for the offence which the Commissioners declared to be proved against him.

That your petitioner, in most solemnly and emphatically alleging his innocence of that offence, is now able to offer additional evidence of the highest importance in corroboration of his assertion. Sheik Ali Hussein, the principal witness examined before the Commissioners, and who received as the price of his testimony a pension of 200 rupees a month from the British Government, died at Bombay shortly after the sittings of the Commission were concluded. On his death-bed, however, he sent for Ali Akbar, Sir Charles Napier's moonshee, to whom he had preferred the first accusation against your petitioner, and then confessed its falsehood, as thus reported by the chief of police at Bombay: "Ali Hussein had been for some time sick before the day of his death; he sent a servant to call Ali Akbar, moonshee to Sir Charles Napier, and I have ascertained that the following is the conversation that took place between them:—Ali Hussein was apparently dying; he said that he had sent for him to express his wishes, as his last hour was approaching; he wished him to see he was properly interred, as he had very few rupees left, perhaps not sufficient; he said that he wished the Government pension of 200 rupees should revert to his son or family, and adding, I shall not live to enjoy it, being the fruit of my villany. He then wept, and said he was trembling at the idea of appearing before God to answer for all the treachery "nimack haramée" he practised towards his master (Meer Ali Morad); he stated that the proofs he gave before the Commission were all forgeries, and that his and Peer Ali Gohur's evidence was false; that, in 1844, he became an enemy of his master, Ali Morad, and from that date plotted all he could devise against him with Peer Ali Gohur. Ali Akbar

Akbar tried to console him with the hope of recovery ; but he replied 'no,' I shall never recover, and that he feared that his present confession would do him no good, but that God might consider it. After this he began to ramble in his speech, but was not insensible, and the subject appeared to be regret and grief at the part he had taken. The above conversation was between Ali Hussein and Ali Akbar, the former having ordered his servants out of the room, and made them shut the door. This is all that I can learn, and all, I believe, that took place."

That your petitioner further sheweth to your Majesty that the territories ceded by the treaty, with which your petitioner is alleged to have tampered, were all confirmed to your petitioner three months subsequently to the date of that treaty, by the treaty of the Turban, already referred to ; a treaty which was concluded in some measure by means of the intervention and to the satisfaction of Sir Charles Napier.

That shortly after the signing of the treaty of Nownahar, your petitioner openly claimed the territories thereby ceded ; not one of your petitioner's relatives who would have been the sufferers by the alleged alteration, and who were at bitter enmity with your petitioner, complained that they were defrauded by any alteration of the treaty, although they did complain that the treaty was concluded by Meer Roostum, against the wish and without the concurrence of his nephew, Meer Nusseer Khan.

That your petitioner, though not without some apprehension lest by so doing he should appear to weaken his assertion of the falsehood of the accusation made against him, denies the right of the Government to institute any inquiry into such charge, affecting his position as an independent sovereign, but he submits to your Majesty, that even if the Government had such right, and assumed the charge against your petitioner to be true, the confiscation of territories of your petitioner, not included in the treaty of Nownahar, nor affected by the alleged forgery, amounting to an annual value of about 70,000 *l.* per annum, was an act of arbitrary power for which there can be no authority or justification whatever.

That the attempted deprivation of your petitioner's rank was so manifestly illegal, that it has not been persevered in, and your petitioner is now acknowledged as independent sovereign of the remnant of those territories which this act of spoliation has left to him.

That your petitioner had admitted claims against the East India Company to a large amount for the value of forts ceded by him to the Rajah of Jessulmere at their request, and for districts ceded by him to the Nawab of Bawhulpore, also at their request.

That the Company, nevertheless, have refused to liquidate the said expenses and claims, on the ground that they have been satisfied by the receipt of the revenues of the lands they subsequently confiscated, and with the receipt of which for the intervening years they charged your petitioner.

That your petitioner having in vain appealed for redress to the authorities of India, determined at last personally to visit this country and appeal to your Majesty and to Parliament for redress ; that every obstacle was thrown in the way of your petitioner ; that letters were written to him by the authorities, threatening him with the high displeasure of the British Government, pointing out to him that he would be beyond the limits of his own territories on his passage through India, and further apprising him that they would prevent his being received in this country or elsewhere with the respect due to his rank.

That, notwithstanding these threats, your petitioner has succeeded in accomplishing his purpose of visiting this country, he having arrived in England in June last.

That, being desirous of offering his homage to your Majesty, he sought permission to attend your Majesty's levee, but was apprised that reference having been made to the Court of Directors of the East India Company, they had refused their assent to his presentation to your Majesty.

That your petitioner has been advised that the laws of this country afford him no means of redress against the grievous wrongs and injustice which he has suffered, except by an appeal to the sovereign in whose name this injustice has been done. Therefore your petitioner now approaches your Majesty, humbly, but confidently, to demand that justice which is due to him, with a conviction

that he will not sue in vain for that redress to which he is entitled, for the unmerited indignities and injuries which have been heaped upon him.

Your petitioner, therefore, confiding in this justice, humbly prays:—

That your Majesty will be graciously pleased to order that the proclamation depriving your petitioner of his rank and territories may be annulled, and that the rank of your petitioner as Rais may by proclamation be recognised, and that all the territories of which your petitioner has been deprived may be restored to him.

Or that your Majesty will be graciously pleased to direct that a full and fair inquiry shall take place before some one or more of your Majesty's judges, who shall be directed to investigate the charge against your petitioner, at such time and place, or times and places, as your Majesty shall be pleased to order (to which inquiry, if directed by your Majesty, your petitioner is willing to submit), and that if upon such inquiry the entire innocence of your petitioner should be established (as your petitioner confidently believes will be the case) then that your Majesty will be graciously pleased to direct that the above-mentioned proclamation shall be annulled, and that your petitioner shall be restored to the rank, dignities, and territories whereof he has been deprived, and that even if upon such inquiry, any other conclusion should be arrived at, that your Majesty will still be graciously pleased to make such order as is conformable to justice and consistent with the rank, position and rights of your petitioner.

Or that your Majesty will make such other order as shall secure to your petitioner justice, and as your Majesty, upon consideration of all the circumstances of the case, shall deem right.

LETTER from the Court of Directors to the Government of India, dated
7 January (No. 3) 1857.

WE have received from Meer Ali Morad, of Sind, a letter dated the 20th November last, together with a copy of a petition which he has addressed to Her Majesty the Queen. Transcripts of both documents form numbers in the packet.

2. Considering it proper that our answer should be communicated to Meer Ali Morad through your Government, we direct that he be informed that the measure by which he was deprived of the rank of Raees, and of a portion of his territories, was adopted after a judicial investigation, in which he had full opportunity of defending himself, and that the decision so passed is final.

We are, &c.

(signed) *W. H. Sykes.*
R. D. Mangles.

London, 7 January 1857.

EXTRACT Foreign Letter from the Government of India to the Court of Directors, dated the 22d October (No. 66) 1857.

Para. 4. WE transmit, for your Honourable Court's information, copies of the letters to his Highness Meer Ali Morad and the Government of Bombay, in conformity with your instructions.

From the Secretary to the Government of India to His Highness Meer Ali Morad, of Sind, dated Fort William, 4 March 1857.

Sir,

Foreign Department.

THE Honourable the Court of Directors having duly considered your letter to the address of their Chairman, dated the 20th November last, and directed that their answer should be communicated to you through the Government of India,
I am

I am accordingly directed by the Governor-General in Council to inform your Highness that the measure by which you were deprived of the rank of Raees, and of a portion of your territories, was adopted after a judicial investigation, in which you had full opportunity of defending yourself, and that the decision so passed is final.

I have, &c.
(signed) *G. F. Edmonstone*,
Secretary to Government of India.

From the Secretary to the Government of India to the Secretary to the Government of Bombay, dated Fort William, 4 March 1857.

Sir,

I HAVE the honour to forward, for the information of the Right Honourable the Governor in Council, the accompanying copy of a despatch, No. 3, and its enclosures, from the Honourable the Court of Directors, regarding Meer Ali Morad's claims. A copy of the letter written to his Highness on the subject is also herewith enclosed.

No. 13.
Foreign Department.

7 January 1857.

I have, &c.
(signed) *G. F. Edmonstone*,
Secretary to the Government of India.

To the Honourable the Court of Directors of the East India Company.

The Memorial of His Highness the Ameer Ali Morad Talpoor Khan, of Khyrpoor, in Upper Sind.

THE Honourable Court are already acquainted with the reasons which the Ameer has submitted to them, in the hope that they would see ground for reversing altogether the proceedings which led to the deprivation of so large a portion of his territory in the year 1852.

By a letter from the Governor-General of India, dated the 4th of March last, the Ameer has learned with the deepest pain that the Honourable Court regard that decision as the result of a judicial investigation, and therefore conclusive.

It is with the greatest difficulty that the Ameer approaches the Honourable Court, while this determination precludes him from showing that he has not done any act unworthy of the confidence and esteem with which he was once honoured by the British Government.

At the same time he feels, that in justice both to himself and to those who are to succeed him, he is bound, notwithstanding this decision, to submit to the Honourable Court claims and considerations which he has hitherto forborne to press, but which may induce the Court to modify the Act by which he was deprived of his territories.

Among the territories confiscated were the lands and revenues attached to the Turban.

The Ameer appeals both to the justice and generosity of the Honourable Court to restore him at least these lands and revenues.

The Ameer cannot but think that at the time the order to confiscate these lands was sent out to India, his exact title to them was not understood, and that it was supposed that his right to them rested on a cession from his own family during the troubles in Sind.

Upon the death of his elder brother, Meer Roostum Khan, these lands and revenues devolved upon him of right by the provisions of his father's will, independent of any cession from his own family.

They rested in this respect upon the same title as his private patrimonial estate, which was left in his possession by the proclamation of 1852.

The Ameer submits to the consideration of the Honourable Court the treaty entered into by Sir Alexander Burnes on the 20th December 1838, by which the Honourable Court bound themselves to respect the rights of Meer Roostum Khan and his successors, and also those of Meer Ali Morad.

The provisions of this treaty, so far as the Ameer was concerned, were never abrogated or annulled.

Its provisions secured the Ameer in the possession of the Turban lands, both in his own right, and as the successor of Meer Roostum Khan.

At the time of the proclamation of 1852, the attention of the Government does not seem to have been called to the provisions of this treaty, or to the nature of the Ameer's right to the Turban lands.

The Honourable Court have all the facts and circumstances before them which may influence them in assenting to this request. They know all he has suffered by the consequences of their displeasure; they know the extent to which he has been deprived of territories, and he hopes that, under the circumstances of the case, the Honourable Court will think fit to restore to him possession of all the lands and revenues which he held in right of the Turban.

If the Honourable Court were to make this concession, they would be acting on the despatch of the Governor-General of India, dated 27 February 1851.

In that despatch, the Marquis of Dalhousie expressed himself very decidedly against any attempt to interfere with the Ameer's right to the Turban or its revenues.

If the Honourable Court would see fit to restore to the Ameer the district lying east of the Indus between his present boundary and the former boundary of the Hyderabad Collectorate, and restore to him those small detached portions of land between Roree and Khyrpore, which were to have been ceded to him by the draft treaty of 1845, the Ameer's estate would then consist of an unbroken territory, extending from Roree southwards.

In seeking for the restitution of the district thus pointed out in lieu of the Turban lands, the Ameer is asking the Honourable Court to restore to him territory which is not equal in value to those lands.

The Ameer further reminds the Honourable Court, that for many years there has been due to him compensation for lands taken by the Indian Government, and for which they promised to pay.

If the Honourable Court see fit to accede to this memorial, the Ameer would be willing to waive all claims of this nature, except that for compensation for the forts of Shahgurrh, &c., which he gave up to the Rajah of Jussulmere, the money payment for which was actually fixed, and also for portions of his patrimonial estate to the west of the Indus, taken by the Government, for which his right to compensation was acknowledged.

The Ameer hopes that the Honourable Court will take all these matters into consideration; that they will direct the restoration to him of the whole of the Turban estates in accordance with the Minute of the Marquis of Dalhousie, or at least concede to him that portion which he has pointed out, and that they will further desire payment to him of the compensation for the forts and lands which has been so long withheld.

The Ameer is willing to enter into any stipulation the Honourable Court may think right, not to disturb the existing revenue settlement in any lands that may be restored to him.

He is quite ready to enter into any fair agreements which the Honourable Court may propose for the final and conclusive settlement of all claims. The Ameer refers once for all to the many services he has rendered to the English cause.

Under all circumstances the Honourable Court may be assured that he will pursue the same course of fidelity to the English Government, to which, under every provocation, he has adhered; and while he cannot but feel the deepest pain that the machinations of his enemies have triumphed in bringing him under the displeasure of the English Government, he feels confident that the lapse of time will yet convince that Government how deeply he has been, wronged.

The seal of Ameer Ali Morad Khan Bahadoor.



18, Carlton Hill East, St. John's Wood,
6 July 1857.

DRAFT of proposed Reply to His Highness Meer Ali Morad, as approved by the Court of Directors, showing the alterations made by the Board of Control in *red ink*.

East India House, 1857.

Sir,

I HAVE laid before the Court of Directors your memorial, dated the 6th ultimo, praying for the restoration to you of a portion of the territory of which you were deprived in consequence of the acts proved against you before a Commission in 1851, and I am directed in reply to inform you that the sentence was pronounced after a full and impartial investigation, in which you had ample opportunity of defending yourself, and that the Court see no reason for altering their decision.

I have, &c.

(signed) *James C. Melvill*,
Secretary.

His Highness the Ameer Ali Morad
Khan Bahadoor,
18, Carlton Hill East, St. John's Wood.

Sir,

East India House, 12 August 1857.

1. WITH reference to the alterations made by the Board of Commissioners for the Affairs of India in the draft of a letter to Meer Ali Morad, I am commanded by the Court of Directors to observe that, bearing in mind the circumstances under which Ali Morad came to this country, and the course which he has since adopted, they strongly deprecate the use of any language, or the offer of any suggestion, which would seem to imply a doubt as to the justice of the sentence passed upon him, after a full and impartial investigation, and since repeatedly confirmed by the home authorities. It further appears to the Court impolitic and objectionable to intimate to the Ameer the course which they might possibly deem it expedient to pursue, under the circumstances adverted to by the Board.

2. Whatever Meer Ali Morad's future conduct may be, or whatever claims to reward he or any other person may hereafter establish, the Court think that any such considerations ought to be kept completely distinct and separate from that of his past offences, and of the penalty of which he has been adjudged to be deserving.

3. The Court are further of opinion that any such declaration would, especially at the present moment, be calculated to weaken the authority both of the local and the home governments. The Court, therefore, earnestly request that the Board will permit their letter to be forwarded in its original words.

I have, &c.

(signed) *James C. Melvill*, Secretary.

The Secretary, India Board.

DISSENT from the Remonstrance, recorded by the Court this day, against the Letter to Meer Ali Morad.

HAVING voted for the passing of the letter, against which this is a remonstrance, I dissent from the remonstrance.

12 August 1857.

(signed) *Ross D. Mangles.*
F. Currie.

DISSENT from the Remonstrance determined on by the Court against the alterations made by the Board of Control in the Draft of Letter to Ali Morad.

BECAUSE, assuming even the guilt of Ali Morad in the case submitted to the Commission for investigation, we deem the sentence on him to have been unnecessarily severe; the confiscations of that sentence having been carried under the orders of the home authorities beyond the recommendation of the Governor-General in Council.

Because this aggravation of penalty, by the act of the home authorities, was and is, in our opinion, a questionable proceeding, fairly open to appeal and revision, and is now matter of complaint in course of prosecution by Ali Morad. It is not to be expected that the prosecution of that appeal will be foregone, unless some promise or reasonable hope of redress for the particular grievance is held out by the Court, and it is, in our opinion, desirable that the matter should be so disposed of as to stay further proceedings on this appeal.

Because we think that the remission of the aggravated part of the penalty inflicted by that sentence may and ought to be held out as a boon to be expected by Ali Morad, in case his conduct in the present circumstances of India should be such as to entitle him to favour. This we consider to have been the intention of the Board of Control in the alteration made by them in the draft submitted by this Court. We see no reason, therefore, to remonstrate against that alteration:

East India House,
12 August 1857.

(signed) *H. T. Prinsep.*
H. C. Rawlinson.

Sir,

India Board, 18 August 1857.

I AM desired by the Commissioners for the Affairs of India to acknowledge the receipt of Mr. Dickinson's letter of the 12th instant, conveying the representation of the Court of Directors of the East India Company against the alterations made by the Board in the draft of the letter proposed to be addressed to the Ameer Ali Morad of Sind.

The Board do not see in the arguments brought forward by the Court sufficient reason for withdrawing the alterations in question. They do not regard the penalty inflicted on the Ameer as one that ought not under any circumstances to be mitigated; on the contrary, they agree with those members of the Court who dissent from the decision of the majority in thinking that there are peculiar features in the case which might justify some revision of the sentence; and they cannot concur in the sentiment that a modification of that sentence must necessarily weaken the authority either of the local or of the Home Government.

Sir J. C. Melvill, K.C.B.

I am, &c.
(signed) *George Clerk.*

At a Court of Directors, the 19th August 1857.

A LETTER from Sir George Clerk, K.C.B., at the India Board, dated the 18th instant, stating that the Board are unable to withdraw the alterations made by them in the proposed letter to Meer Ali Morad, which replied to his application for a reconsideration of his case, having been read, the said draft letter was, on the question, ordered to be signed as altered.

Sir,

East India House, 19 August 1857.

I HAVE laid before the Court of Directors your memorial, dated the 6th July, praying for the restoration to you of a portion of the territory of which you were deprived, in consequence of the acts proved against you before a Commission in 1851, and I am directed in reply to inform you that the Court are of opinion that the proper course for you now to pursue is, to return to your country, and under the protection and the guidance of the Chief Commissioner in Sindh, to manifest your zeal and fidelity in the service of the British Government.

It will be a satisfaction to the Court to receive such reports of your conduct as may seem hereafter to justify their considering your case more favourably than hitherto.

His Highness the Ameer Ali Morad
Khan Behadoor.

I have, &c.
(signed) J. C. Melvill.

DISSENT by Captain *Eastwick*.

I DISSENT from the resolution of the Court, approving the letter dated the 19th of August, as altered by the Board, addressed to Meer Ali Morad, in reply to his memorial of the 6th of July.

In a previous dissent recorded by me on the 27th August 1851, I stated my opinion of the character and conduct of Meer Ali Morad, after a careful perusal and impartial consideration of all the documents connected with the investigation of the charges brought against him, in the following terms:

“The next important point fully established is the guilt of Ali Morad. It is evident he was the prime and moving cause of all the intrigues in Upper Scinde; that he completely deceived Sir Charles Napier, intercepted his messengers, bribed his moonshees, deluded him with false intelligence, and led him on step by step, until he succeeded in accomplishing the ruin of his brother, and secured the great objects of his ambition, the possession of the Turban, and the richest districts of Upper Scinde.” Again, “Of Ali Morad’s guilt there can be no question. After the fullest and fairest inquiry, the Commission are unanimous; the Government of Bombay and the Governor-General entirely concur. The Court of Directors confirm the verdict, and “there is equally strong evidence to prove that the jagheers of Meer Roostum’s family are held by Meer Ali Morad by as base an act of fraud and deception as that practised on the British Government in respect to the districts of Mehrpore, Mahtela, and Mehrkee.”

In a minute of the 24th April 1848, Sir George Clerk records his opinion:

“Should it be fully established that Meer Ali Morad did perpetrate this fraud, his turpitude deserves not only that he should lose the districts so usurped, but that he should be deprived of all his possessions.”

With reference to this opinion, the Governor-General writes—

“While I concur with Sir George Clerk in thinking that we should be fully justified in resorting to that extreme act of severity, I deprecate it as inexpedient.”

Further on in the same dissent, after an appeal in favour of Meer Mahomed Hossein, the eldest son of Meer Roostum, I proceeded to state,—

“The privations and sufferings of other members of Meer Roostum’s family, who have dragged out a miserable existence under the iron rule of Ali Morad, are forcibly depicted in the documents before the Court.”

The Resident of Khyrpore writes on the 25th of November 1847:

“There is not one of his Highness’ principal shikarees who is not in most respects far better off than they are. They have been reduced by want to the sale of their wives’ ornaments and clothes. Shooting, hunting, hawking, their chief amusements in their better days, are now denied them. But a few days back Shere Mahomed, fourth son of the late Meer Roostum, appeared a suppliant for subsistence before the door, and is now living on the bounty of her who, in his father’s life-time, was a low courtesan in the Khyrpore Bazar, and who is now the favourite wife of his Highness Meer Ali Morad, enjoying an income of nearly three lacs a year.”

Having on such strong grounds recorded these decided opinions on Meer Ali Morad’s conduct, not only towards his unfortunate relatives, whose ruin I conscientiously believe he compassed by the most perfidious means and from the basest motives, but also on his treachery and ingratitude towards the

British Government, to which alone he owes his position in Upper Scinde, and having had before me no further evidence to shake my deliberately formed convictions of his guilt in both instances, I cannot concur in any language which would seem to imply a doubt of the justice of the decision of the Commission so repeatedly confirmed by the superior authorities.

The letter now written to Meer Ali Morad will be accepted by him as an acknowledgment on the part of the home authorities that injustice has been done to him, and as a promise that his case will be favourably re-considered, and cannot but be productive of future embarrassment. It will place the Government abroad in an entirely false position, in the event hereafter of their seeing no cause to re-open the case, as it will enable Meer Ali Morad, with some show of justice, to say, that during the time of our weakness (of which this concession will be taken as the strongest proof) we did not scruple to hold out hopes of redress which we never intended to carry into effect.

The question of the penalty exacted from Meer Ali Morad for his past offences against the British Government, and the question of any reward that he might earn for good service done in the present crisis, are distinct and separate, and ought not to be blended together. If Meer Ali Morad has any real grounds of complaint, if he has been unjustly treated, which I totally deny, we ought at once to inform him that instructions will be given to the local authorities to revise the proceedings with a view to affording him reparation; if this be not our intention, we ought not to shelter ourselves under vague and hollow phrases of which he will take every advantage, and which, as rendering us liable to misconstruction, are unworthy of a great Government.

But it may be said that it would be politic at the present moment to secure the support of a Mahomedan chieftain of influence by making it the interest of Meer Ali Morad to co-operate cordially with the British Government. In reply, I would urge that Ali Morad has already the strongest of all motives to side with us, that of self-preservation. His treatment of Meer Roostum and his family has rendered him an object of execration throughout Scinde, and he could only maintain his position by the aid of British power; he may intrigue against us, but he can be of little assistance, as the sympathies of the people of Upper Scinde are with Meer Roostum's family; and I firmly believe that no single act of the British Government has been the cause of more deep dissatisfaction to our Mahomedan subjects than the course pursued towards the unfortunate Ameers of Scinde.

Lastly, I would draw attention to the fact that it is notorious Ali Morad has placed his affairs in the hands of certain parties in this country who best know how to take advantage of any ill-advised admission on the part of the authorities, and will not fail to put a construction upon this letter more favourable to Ali Morad's claims than it was intended to convey, and will also represent to him that it is through their influence this concession has been obtained. There cannot, in my opinion, be a more pernicious system, or one more calculated to interfere with the good government of India, than thus indirectly to supersede the local authorities, leading the people of India to look beyond them to the authorities at home, whom they are permitted to approach, not through the regular channels, but through means and influences the extent and working of which they do not comprehend, except in so far as their purse suffers; and we may be assured that to the same extent British character and reputation suffer in their estimation. It is so manifestly the interest of parties in England to foster this new and prolific source of profit in connexion with the natives of India, that we may be certain that they will exaggerate to the utmost their own influence, and take every opportunity of impugning the acts and depreciating the policy of the Indian authorities. Such a system must inevitably tend to embarrass and weaken the local government, to lower all British authority in the eyes of the natives, and to increase immensely the difficulties of carrying on the administration of India.

(signed) *W. J. Eastwick.*

East India House, 27 August 1857.

I ENTIRELY concur in the sentiments expressed in the foregoing dissent. When the time arrives for fulfilling the implied promise of indulgence to the Ameer, who is "distinguished" only by his forgery and fraud on the British Government,

ment, and the base betrayal of his own brother, it will probably occur to those in power that something is due to his unfortunate victims and their children ; they have not as yet retained the services of English agents, but it ought to be remembered that on the occasion of the conquest of Scinde they were believed innocent of any hostile designs towards the British Government by an unanimous Court of Directors.

(signed) *John Shepherd.*

I entirely concur.

(signed) *Russell Ellice.*

I entirely concur also.

(signed) *W. B. Bayley.*
E. Macnaghten.
J. H. Astell.

I concur generally.

(signed) *Charles Mills.*

DISSENT by Mr. *Willoughby.*

I ENTIRELY concur in Captain Eastwick's dissent.

I recorded my opinion on the case of Meer Ali Morad when it came before me as a member of the Government of Bombay in 1849.

I have never seen reason in any way to change that opinion, which was published, with other papers connected with the case, by order of Parliament in 1852.

Ali Morad's case was fully and fairly investigated by an impartial tribunal, and he was justly found guilty of very serious offences against the British Government, to whom he owed everything he possessed ; I mean that without the support and influence of that Government he would have lost all he possessed.

His still more grievous offences against his brother, Meer Roostum, and his family, were not similarly investigated. Indeed, inquiry into them could scarcely be necessary, for what man in his senses could believe Ali Morad's assertion that Meer Roostum, in the Fort of Dejee, voluntarily surrendered to him not only the turban lands, but also the fourth share of the lands of Upper Sinde, which he (Meer Roostum) had inherited as his private estate, under Meer Sohrab's will.

The penalties imposed on Ali Morad for his flagrant offences were not determined upon by this Court, but by a still higher authority. They were, however, unanimously concurred in by this Court before I became a member of it, and have since on review been deliberately confirmed.

I think, therefore, it is very inexpedient to hold out any hope to Ali Morad, that in consideration of any service he may be able to perform during the present crisis of our affairs in India a portion of the penalties he has incurred will be remitted.

As might have been expected, his legal adviser has very adroitly availed himself of the opportunity offered to him of placing the most absurd constructions and interpretations on the letter to Ali Morad. These, no doubt, are intended for future use in Parliament, of which, it is well known, that legal adviser is a Member.

In my opinion, moreover, it is a fallacy to suppose that Ali Morad can possess such influence in Sinde as will enable him to perform the service anticipated. He is only remembered in that province as the author of the great and unmerited wrongs and sufferings of the Ameers of Sinde, and more particularly those of Meer Roostum.

But if we desire to obtain increased influence in Sinde, if we desire to regain a portion of the character for justice and good faith which we have lost in that province, let us at once do an act of justice already too long delayed. Let us ameliorate, as far as we are able, the condition of the injured princes of Sinde, and their families.

It was always intended that a portion of the revenues taken from Ali Morad should be assigned to the families of Meer Roostum and Meer Sobdar, who, strange to say, are in a worse condition than the families of the Ameers who appeared in the field of battle at Meeanee.

It ought not to be forgotten that Meer Roostum ceded to us his fort of Bukkur as a depôt of arms in the hour of need; and that Meer Sobdar never injured us by word or by deed, but invariably proved himself a faithful ally.

(signed) *J. P. Willoughby.*

I concur.

(signed) *W. H. Sykes.*

To Sir *James C. Melvill*, K. C. B., &c. &c. &c.

Sir,

18, Carlton Hill East, 20 August 1857.

I HAVE received the letter which, by desire of the Honourable Court of Directors, you have sent to me in reply to my memorial of the 6th of July; I request that you will in my name thank the Honourable Court for their reply.

The Honourable Court are pleased to express a wish that I should return to Sindh to aid in maintaining the cause of the English Government in India. I at once act in accordance with their wish. The Honourable Court know that my son, who administers my government in my absence, has already given proofs of the fidelity and zeal of myself and my family, but my own presence may exert greater influence with my neighbours and my tribe. To be of use to the English Government, I would be ready to return home even at the risk of loss to my own cause.

I do so with more pleasure when I am acting on the desire of the Honourable Court. I will have more influence to serve the English cause, when it is known in India that I return with the favour and protection of the Honourable Court, and with the promise of your letter that they will do me justice.

When you thank the Honourable Court for their favourable reply, will you tell them that they will find nothing proved against me, except by evidence which I am prepared to show to be fabricated and false.

In my memorial to which your letter is a reply, I showed beyond all doubt that the turban lands, for which I asked, are mine by right, and that the Honourable Court are bound by the most solemn treaties to secure them to me. I also showed that sums of money were plainly due to me for lands which I gave up at the request of the English Government, and for which I was promised compensation.

In the present troubles of India I return home to do my duty. I do so, satisfied that the Honourable Court do not deny the justice of these claims, and in the confidence, from the words of your letter, that they will direct the Commissioner speedily to restore to me my territories, and to settle with me the compensation so long deferred.

In former times of danger I have aided the English cause with my treasury and my armies. I have received for this the warmest thanks of great men—of Lord Ellenborough, of Lord Hardinge, and of Sir Charles Napier. The act of the Honourable Court has made me less powerful than I was then, but I am still ready to render the same services, as far as my territories and revenues will now admit.

I beg that you will read this letter to the Honourable Court, and beg of them, along with my thanks, to accept of my assurances of deep respect to the Honourable Court, and of my fidelity and devotion to the Queen of England.

(signed) *Meer Ali Morad.*

To the Honourable the Court of Directors of the Honourable East India Company.

Honourable Sirs,

I REGRET to learn that a letter was forwarded to the Honourable Court from his Highness Meer Ali Morad, on the day of his departure, which I have heard does not conform to the courteous tone which I am sure his Highness would desire to adopt in addressing the Honourable Court. The letter was no doubt prepared by his Highness's legal advisers in the hurry of his departure, and as
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I was not present on the occasion, and there was no person who could interpret it to him literally, his Highness could only have been made aware of its general purport, without understanding the particular expressions used, or being competent to judge of the propriety of the language in which it was couched. The Honourable Court is no doubt aware that lawyers are accustomed to employ in their legal proceedings a tone of language which is quite unsuited to a correspondence between his Highness and the Honourable Court, and on them, therefore, properly rests the responsibility of the terms of his Highness's letter; and I feel it, therefore, due to his Highness, as his authorised agent in this country, to make this communication to the Honourable Court.

I have, &c.

(signed) *Mirza Ali Akbar Khan Bahadoor,*

15, Warwick-road West,
9 September 1857.

Agent, &c. &c.

DRAFT of proposed Letter to his Highness Meer Ali Morad, showing the Alterations made by the Board of Control in *red ink*.

Sir,

East India House, 1857.

YOUR letter to my address, dated "18, Carlton-hill East, 20 August 1857," has been laid before the Court of Directors of the East India Company, by whom I am commanded to state that it appears to them, from the general tenor, as well as from particular expressions of this communication, that you have entirely misunderstood the purport of their letter of the 19th of August.

In that letter the Court express no "wish" that you should return to Sindh, to aid in "maintaining the cause of the English Government in India." The advice which was tendered to you was offered for your own good, pointing out that you might establish by your future good conduct some claim to the favourable consideration of the Court. But the Court desire it should be distinctly understood that their letter held out to you no "promise" of any kind; and neither directly nor indirectly intimated any intention on the part of the Court "to direct the Commissioner speedily to restore" to you your "territories," and to "settle" with you "the compensation so long deferred."

The Court are at a loss to understand how any of the "words" of their letter can have imparted to you, as you state, a "confidence" in the intention adverted to above; but to prevent any future misconception with respect to the tenor of their letter of the 19th of August, I am commanded to repeat that the Court did not convey to you in that letter any intimation that they contemplated a reversal of the decision in your case passed by a competent tribunal.

I have, &c.

(signed) *James C. Melvill,*
Secretary.

His Highness
Meer Ali Morad of Khyrpore,
Care of Mirza Ali Akbar,
15, Warwick-road West, Harrow-road.

EXTRACT Letter from the Government of Bombay to the Court of Directors, dated 28 February (No. 13) 1857.

1. WITH reference to our Political Despatch, dated the 24th December, No. 116 of 1853, and to para. 97 of your Honourable Court's Political Letter to our address, dated the 27th April, No. 13 of 1854, we beg to forward copy of a letter from his Highness Meer Ali Moorad, of Khyrpore, dated London, December 1856, submitting his strenuous protest against any definition of the boundaries between his territory and that of the British Government being proceeded with at the present period; impugning the justice of the finding of the Commission, which, in the year 1850, inquired into the charge against him in connexion with the treaty of Nownahar; and asserting a right to the whole of the territory in Upper Scind, formerly in the possession of his father, the late Meer Sohrat Khan.

2. This letter having been referred for the careful report of Brigadier-general John Jacob, C.B., Acting Commissioner in Scind, we have the honour to forward
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a copy of that officer's reply, dated the 19th instant, and to state that we concur generally in the views and observations which he has submitted.

3. The former remarks of Brigadier-general Jacob, to which that officer alludes in the last para. of his letter, formed Enclosure No. 5 to the collection accompanying our Political Despatch to the address of your Honourable Court, dated the 24th December, No. 116 of 1853.

EXTRACT Bombay Political Consultation, dated 19th February 1857.

To the Right Honourable Lord *Elphinstone*, Governor of Bombay in Council.

My Lord,

No. 886.

HAVING learned from my Indian correspondents that the Indian Government has appointed an officer to proceed forthwith to Khyrpoor, and define the boundaries between my territory and that of the British, I consider it my duty to address your Lordship, and to enter my strenuous protest against this arbitrary measure, which the Government seems to desire to carry out in my absence.

No boundary which the Government is now disposed to draw could, as I maintain, be correct, inasmuch as the whole country belonged to my late father, Meer Sohrab Khan, and is entirely mine by the right of inheritance, and by the cession of those before me in the line of succession; independently of which, with the sanction of the Indian Government, I held it in my possession for a term of seven years, until this Government confiscated it at its arbitrary discretion, without reason and without right or justice. In fact, while I still claim the whole of this territory as my own, and my claim in this respect is now before the English Parliament, no definition of boundaries can be otherwise than an *ex parte* procedure, altogether informal, gratuitous, and inconclusive.

Your Lordship, I may presume, is aware that, ever since the confiscation of my territory, I have protested against this injustice; that I have now arrived in London personally to prosecute my claims in this behalf; that I have laid my papers before various eminent lawyers, and have been advised by them that the treatment I have received from the Indian Government entitles me to lay my case before Parliament, with a reasonable expectation that Parliament will reverse my unjust sentence. I may add, that I have that confidence in the British nation, that, beholding it, as I did in the late war, expending thousands of valuable lives and millions of treasure for the sake of protecting the weak against the strong, I cannot conceive that it will refuse to me, who have ever been its faithful ally, who have served it at its need and without recompense, that protection against unmerited ruin and disgrace, which, by means of its tribunals, it accords to the meanest of its subjects. I rely not only on my acknowledged services, but on my power of proving my innocence of the charges made against me; and I claim also the performance of those promises which were given to me by Sir A. Burnes, Sir William McNaughten, Lord Auckland, Mr. Ross Bell, General (then Major) Outram, and the late Sir Charles Napier, and which promises have been in no respect fulfilled, while I have reaped loss and shame only from my connexion with British interests.

I will briefly recall to your Lordship the chief circumstances on which I found my claim on the justice as well as the honourable regard of the British nation. My father, Meer Sohrab Khan, before his death, had divided his country into four parts, of which he gave two to his eldest son, Meer Roostum Khan, one to his second son, Meer Moobaruck, and one to myself, the youngest. By another will he also regulated the succession of the sovereignty of the country in the above order, and allotted the added fourth share of Meer Roostum Khan to accompany it, in accordance with the usual custom of the country.

I was myself under age at the time of his death, so that my position was a temptation to my brother Meer Moobaruck to defraud me of a considerable portion of my patrimony, and the consequent dispute between his son and myself was not completely adjusted up to the date of the annexation of Sind.

But before this event could take place, a number of preliminary advances were made, of which I will summarily mention the particulars. In 1832, an agent of the Indian Government entered Scinde to open a channel for British commerce,
and

and assured the Ameers, by representations and by treaties, that the East India Company had no other object in view, and did not covet one single ree from our possession. In the month of December 1839, a treaty was even concluded, by which Sir A. Burnes bound the Government of India never to interfere in our internal affairs, or to covet one rupee from our revenue, and the Indian Government thereupon obtained permission to occupy, faithfully promising to restore it, the fortress of Bukkur, and to establish a military camp at Sukkur, Shikarpore, and Kurrachee. A political agent, Mr. R. Bell, was then appointed for transacting affairs between the Ameers and the British Government; but not content with his recognised functions, he proceeded to interfere in the smallest matters connected with our family or country. Meer Roostum Khan, the reigning sovereign, was too old and infirm to cope with the agent, and I myself was induced to refer to him for arbitration in respect of my dispute with Meer Nussurkhan, the son of Meer Moobaruck. Mr. Bell entertained certain of the questions submitted to him, and had even decided on, and ordered the restitution to me of certain villages, which were restored in accordance with his orders; but he died without deciding on other matters of difference. General (then Major) Outram, his successor, was disinclined to finish the work which his predecessor had commenced; and, in consequence of his refusal to adjust our disputes, and also of the age and infirmity of the sovereign, Meer Roostum, together with the disinclination of his minister for peace, my enemies were encouraged to attack me, with a view to recover the villages already restored to me by Mr. Ross Bell. I was attacked, and some of my villages were burnt, and many innocent lives were lost; and in my own defence, and in that of my people, I was compelled to make the warlike preparations, the result of which was the battle of Nownahar, and the treaty, bearing the same name, made on the battle field in my favour, and the bearings of which have been made the subject of such injurious accusations against me. I then became aware that Captain Brown, then the British Resident of the Indian Government in Sind, had expressed his dissatisfaction at hearing of these warlike proceedings, and accordingly I sent him a conciliatory letter to invite his approval of the arrangement in progress, and when the treaty was signed, I sent to him also the Koran in which it was written; but he refused even to see the Koran or to give his sanction to this fair and regular settlement of our disputes. The parties to the treaty were thereby encouraged to neglect its conditions, and I was unwilling to enforce compliance with them without the express sanction of the British Resident, knowing that such a course would involve me in another sanguinary contest. I therefore allowed the matter to remain in abeyance, while Meer Roostum Khan and Meer Nussur Khan were again collecting forces with a view of attacking me; when Sir Charles Napier arrived in Sind, in October 1842, and a revolution consequently took place in the affairs of our country. Sir Charles Napier presented a new treaty to Meer Roostum for his acceptance, and asked for the cession to the Nawab of Bhawalpoor, of the country north of Roree, but Meer Roostum refused his assent to this treaty; and Sir Charles Napier thereupon wrote a circular letter to the Ameers, informing them that the said country by his own proclamation would at all events be made over to the Nawab.

Meer Roostum was naturally dissatisfied with this intimation, and came to Dejee, where, by a second formal treaty, also written in the Koran, on the 20th of December 1842, he made over to me the turban of sovereignty, with that portion of the country attached to it, and also his own patrimony, in anticipation, as to the power of my rightful succession to the sovereignty, in virtue of the will of my father Meer Sohrab. In this treaty, he included also the territory which the Indian Government had signified its intention to seize, thus putting me in the place of my father as the chief of Khyrpoor, and placing under my authority and dominion all my father's possessions, by which means I became *de facto*, as well as *de jure*, sovereign of all the jagheerdars (landholders) of Upper Sind, while my brothers and their descendants were thus subjected to my authority.

On presenting the draft of this treaty to Sir Charles Napier, the latter told Meer Roostum, that whatever country in pursuance of his own proclamation should be ceded to the Nawab of Bhawalpoor, Meer Roostum, and consequently the successor to his rights, should be compensated by the Hyderabad Ameers, from whom the Indian Government intended to take lands equal to the annual tribute of three lacs paid to them by these chieftains.

General Outram, the Commissioner in Scinde, having informed Sir Charles Napier that the lands intended for cession were of great value, and that their appropriation would press heavily upon the Ameers, Sir Charles thereupon only made over the purgunahs of Subzulkote and Bhoughbara to the Nawab of Bhawalpoor, while he added also, a promise of compensation, inasmuch as the Government had declared, that in entering into this new arrangement with the Ameers, their object was not profit.

Meer Roostum very soon afterwards, having been instigated by some ill-designed person, together with other Ameers, having left my dominion and protection, and proceeded towards Hyderabad, the Ameers of Hyderabad, who had also refused the ratification of the new treaty presented to them, also influenced by the arrival of the Upper Scinde Ameers, took arms, and the battles of Meeanee and Hyderabad were fought, and the whole of Scinde was in commotion at this time. I had an army of nearly 5,000 men in the field, and was guarding the left bank of the Indus, and I thus prevented the marching of various tribes who were ready to join the Ameers in Meeanee, and thus the rear of the English army was protected by me from marauders and plunderers, who were ordered to attack the English; but before my army could reach near enough, Captain Ennis was attacked in his boat and killed, and the property in his possession was plundered. My army nevertheless arrived in time for the protection of the British who were descending the Indus, and the communication with Sukkur was thus kept open. For maintaining this army to protect the English interest I incurred a very large expense, for which in no respect was I compensated by the authorities in Scinde, although I was under no obligation to do this, not being bound by any compact or treaty to afford assistance to the East India Company at any time, but out of friendship and free-will I acted. The enemies in the field were not my enemies, excepting so far as they were the enemies of my allies the British; nor was there any disturbance which affected me in my country, claims, or possessions. Meer Roostum and Meer Nusseer Khan, and the other Ameers, had left my dominions and protection, with the intention of levying war upon the British; but in so doing, they forfeited their lands and property to me, their sovereign, whose subjects they were. By the customs and usages of all the world, property abandoned under such circumstances becomes forfeited to the crown under which it exists; and I may illustrate this liability by an imaginary case, of which even my persecutors will be able to see the bearing. If, for example, in the late war, a prince or nobleman possessing lands in Sardinia had fled and joined the Russians, could the English or French, after the discomfiture of their enemies, have taken possession of the lands of the deserter?

Yet the Ameers were so much my subjects, and I was as much their sovereign, and as independent in my Indian territory, as the King of Sardinia in his. My deserters might forfeit their possessions, but if they did, their lapsed rights accrued to me.

If right and justice, however, mean simply the power of the strong to compel the weak, then such a Commission as afterwards sat to examine evidence on the treaty of Nownahor was a superfluous farce. That treaty was by no means essential to my title as sovereign possessor of the lands in question, and the East India Company, who affected to treat it so, did not attempt to show in what manner this title was vested in them. How, by means of forgery, could I deprive them of a district which was mine, and not theirs, irrespective of the document alleged to have been forged? The Company commenced with a baseless assumption, that the lands in question were theirs, and proceeded to inquire into evidence which was altogether immaterial. This evidence was false, as I have always maintained; but, if it had been true, I maintain, with equal reason, that I had rights which this evidence could not in the least degree affect.

When however the battles of Meeanee and Hyderabad were over, and the English general had cleared himself from the presence of his enemies by sending them to Bombay, the authorities in Scinde then began to think about their friends.

The first act of Captain Pope, the collector and magistrate at Sukkur, was to take possession of all the country that formerly belonged to Meer Roostum and to my other brothers; in fact, he took possession of everything except that which was my own patrimony, with the portion allotted to the turban of sovereignty; he thus took the districts of Meerpoor, Matilha, and Mcheerkee, at a time

a time when there was no longer any dispute concerning them. I of course protested against this act to Sir Charles Napier, and, after a great deal of difficulty, the case was referred to the law officers of Calcutta, who, although their inquiry was an *ex parte* one, all gave their opinion that all the country in dispute belonged to me by right of inheritance and succession, whereupon it was restored to me; still, however, with the exceptions of Subzulkote, Bhoughbara, Kushmore, Meerpoor, Matihla, Meherkee, Ropah, and my share of Shikarpore, for which nothing was allowed as compensation, as if the question of compensation had never been entertained. I was, indeed, promised compensation for the fortresses of Shagur, Sirdargur and Gursia, which were made over to the Rajah of Jasulmere, but this compensation was never paid; and, although inquiries were made by Captain Pope, with respect to my claims to the districts of Meerpoor, Matihla and Meherkee, and, as his report proves, the result was favourable to me, the Government did not restore or compensate me for these.

The question properly before Captain Pope was, whether Meer Roostum did not place me in the full possession and sovereignty of Upper Scinde, which had been previously the country of my father, Meer Sohrab Khan. It was a secondary question, whether Meer Roostum subscribed the Treaty of Nownahor (the conditions of which were for a time unfulfilled), seeing that he recompromised the same in the Turban treaty of December 1842. The Government who recognise the latter treaty as genuine, are inconsistent in alleging the former to have been forged. The members of the Commission who subsequently, in 1850, inquired into the former treaty, were apparently blind to the fact, that Meer Roostum, who alone was bound to see it executed, has executed its provisions in the treaty made subsequently, and thereby made over to me again the very districts of which it is alleged that I endeavoured to defraud him. By this latter treaty the sovereignty vested in me, and by the rebellion of my nephew his possessions were forfeited to me. The Government of Scinde have never disputed the second treaty, but have all along held it to be valid; and yet the districts in question were not restored.

In 1845 I accompanied Sir Charles Napier, at the head of 5,000 men, to the hill campaign, with the object of punishing the hill marauders, and I then expended nearly five lacs of rupees. At the close of this campaign, Sir Charles Napier, in the presence of Captain Brown, his secretary, and Captain Malet and of Mirza Ali Ackbar Khan Bahadoor, made me a present of these districts, as a "reward for my good services," as he himself termed it, and he thereupon proposed the terms of a treaty between me and the Governor-General of India, the points of which were discussed; and, after they were agreed upon, the draft of the treaty was sent to the Government of India for ratification. Major Goldney, the collector and magistrate of Shikarpore, was then ordered to restore to me the districts of Meerpoor, Matihla, and Meherkee as a gift, and, accordingly, I took charge of them; but with regard to the compensation for my share of Shikarpore and Subzulkote, and the district of Kushmore, and the three fortresses in the desert, although an application was sent to the Government of India for an arrangement and settlement of this question, the ratification of the treaty was not obtained when Sir Charles Napier left Sind. The fact is, Sir Charles Napier wished to give the compensation in money, and the Indian Government wished to give it in land, and eventually they ended by giving it in neither.

Notwithstanding all that had passed in the interim, it appears that in 1847 the Government began to raise the question as to the genuineness of the treaty of Nownahor, and a Commission was appointed to inquire into the circumstances. For a time this intention was kept a secret, so much so that the Governor-General, shortly previous to their assembling, paid me a visit at Roree, and accepted from me presents to the value of one lac of rupees, in exchange for which, contrary to strict usage, I received nothing. I could not imagine that the Government was predetermined to effect my ruin, and when I heard of the Commission, confident of my innocence, I waived my independent position to appear before them. I was then charged with having, by means of forged documents, taken possession of the pergunnahs of Meerpoor, Matihla, &c., as if they had been the property of the East India Company, but no proof of any title was given to these districts on their part, and this was not only taken for granted, but the Company, assuming they had such claim, became my prosecutors, while their own servants were appointed my judges. They called

a description of witnesses, of whom Sir George Clerk says in his minute,—“The evidence hitherto adduced in confirmation of the charge is plausible; but it appears that of the three witnesses who have deposed to the alleged fraud, one (Shaik Ali Hussin) is a person who had quarrelled with Meer Ali Morad, and left his service; another (Peer Ali Gohur) had fled from the service of that chief; and the third (Yokaram) is at present in a British gaol as a convicted felon.” Moreover, these witnesses stipulated for large sums as the price of their evidence, and their evidence against me was received upon these conditions.

The evidence of such scoundrels, so obtained, was taken against me, and the Commission, notwithstanding the absurdities, impossibilities, and contradictions in their story, receiving also forged documents without comment or distrust, came to this conclusion, and reported to the Government that they found me guilty of the forgery alleged. I will not here trouble your Lordship with the exposure of this blunder and injustice in detail, for that I have set forth with sufficient minuteness elsewhere; but I will quote only a few expressions of the authorities, prejudiced as they were against me, and who were thus ready to receive anything to my discredit.

Mr. Willoughby says, as a possible case, “that the witnesses may have conspired to get up this charge against him (Meer Ali Morad).” Mr. Blane says, “It does not appear to have occurred to them (the Commission) that unless the alteration were made before the 20th December 1842, the date of the later compact (the Turban treaty), which has always been recognised and upheld by us, there could have been no object in the alteration at all; and that if so made then, that the motive to it could not have been any treachery or fraud towards the British Government. The alleged substitution of the new leaf, so late as 31st July 1843, as deposed to by Peer Ali Gohur, could, if true, have been only to save appearances, and may well have been the act mainly of the parties by whom the alterations have been so clumsily executed. How little, indeed, a prince of Ali Morad’s habits was likely to interfere in the details of such a transaction would seem to be a point to be duly kept in view.

“Sir Charles Napier’s proclamation, taking possession of Subzulkote and Bhongbara, for the purpose of annexing these districts to the territories of the Nawab of Bhowulpoor, would seem to have been dated 18th December 1842, two days previous to the Turban compact; but in the said proclamation, as given in the above quoted date, no mention is made of the rule by which reimbursement was to be made. On that head Sir Charles Napier’s intentions were only declared on the conquest of Scinde, in a letter dated 28th June 1843, to which, therefore, any proceeding antecedent to December 1842 could have had no relation; for this reason, I have some doubt as to how far Ali Morad is amenable to us for any alterations, however perfidious in a moral point of view, in the treaty of Nownahur. Supposing him to be held to be amenable, then the Nownahar treaty might be set aside; but as to the Turban treaty, it would still remain in his favour.”

Lord Dalhousie also says in his minute, paragraph 6, “If the case against the Meer had rested merely on the testimony of Shaik Ali Hussun, and of Peer Ali Gohur, formerly the confidential servants of his Highness, and now his accusers, or if the direct evidence of these men had been supported only by handwriting produced by impressions of seals, sworn to, or by the evidence of third parties who might have been schooled and influenced by them, I should have been reluctant to convict the Meer. The skill with which such testimony can be manufactured, and the ease with which it can be obtained in eastern countries, are too notorious to admit of my placing any reliance upon it, if it had stood alone.”

It is worthy of remark, however, that almost all the evidence, oral or documentary, was brought before the Commission by Shaik Ali Hussun and his coadjutors, and the following is Shaik Ali Hussun’s death-bed confession, reported by the captain of the police in Bombay:—

Ali Hussun had been for some time sick; before the day of his death he sent a servant to call Ali Ackbar, moonshee, to Sir Charles Napier, and I have ascertained that the following is the conversation which took place between them:—“Ali Hussun was apparently dying; he said that he had sent for him to express his wishes, as his last hour was approaching; he wished him to see he was properly interred, as he had very few rupees left, perhaps not sufficient; he

he said that he wished the Government pension of 200 rupees should revert to his son or family, and adding, I shall not live to enjoy it, being the fruits of my villany. He then wept, and said he was trembling at the idea of appearing before God to answer for all the treachery (munuck haramee) he practised towards his master (Meer Ali Morad). He stated that the proofs he gave before the Commission were all forgeries, and that his and Peer Ali Gowhur's evidence were false. That in 1844 he became an enemy of his master, Ali Morad, and from that date plotted all he could devise against him with Peer Ali Gowhur. Ali Ackbar tried to console him with the hope of recovery; but he replied, 'No, I shall never recover,' and that he feared that his present confession would do him no good, but that God might consider it."

This, then, is a brief statement of a case which I have laid before the British Parliament, showing that by means of false evidence and forged documents, my whole country, with a very small exception, has been confiscated. Even from what I am allowed to be still entitled to, the Government has kept back my share of Shikapoor. Now, I beg your Lordship to consider how far the promises and assurances of Sir A. Burnes, Mr. M'Naghten, Lord Auckland and others have been fulfilled, when all their letters and treaties openly declared that they would not covet one ree from the Scinde dominions. The whole of Lower Scinde was taken by war, because the Government supposed that the Ameers were their enemies, but the whole of Upper Scinde was taken from me in peace. I had always remained the friend of the British; and Lord Ellenborough said, "There can be no wish to deal otherwise than with the utmost liberality towards Meer Ali Morad. Whatever may have been his views, he has apparently been hitherto a faithful ally. He has been so when his sudden and unexpected enmity might have been fatal to our army, and we are bound to treat him with the utmost consideration."

If I was treated accordingly in the opinion of the Government of India; if this was their utmost consideration; if this was the reward of my good services which Sir Charles Napier promised, then I was simply presented with the districts of Meerpoor, Mehhla, &c., which were my own previously, and this fatal reward was the foundation of all I suffered.

Thus far I have trespassed on your Lordship's time to explain on what ground I felt justified in not consenting to any definition of boundaries which your Lordship's Government may assign; and I would beg of your Lordship to postpone the settlement of the boundary question until my case is finally settled before the British Parliament.

I have, &c.

(signed)

18, Carlton Hill East, St. John's Wood,
London, December 1856.

Seal.

MEMORANDUM by the Secretary, without date.

SEND a copy of this representation to the Acting Commissioner in Sind, for No. 887. his most careful but early report.

(signed)

H. L. Anderson,

Secretary to Government.

No. 493 of 1857.

From *H. L. Anderson, Esq.*, Secretary to Government, Bombay, to Brigadier- General *John Jacob, C.B.*, Acting Commissioner in Sind. No. 888.

Sir,

I AM directed by the Right Honourable the Governor in Council to transmit to you, for your most careful but early report, copy of a letter from his Highness Meer Ali Moorad, dated London, December 1856, protesting, for reasons therein urged, against any demarcation being at the present period proceeded with of the boundaries between his territory and that of the British Government.

Political
Department.

I have, &c.

(signed)

H. L. Anderson,

Secretary to Government.

Bombay Castle, 6 February 1857.

No. 1582.

EXTRACT Bombay Political Consultation, 6 March 1857.

No. 64 of 1857.—Political Department.

From Brigadier-General *John Jacob*, c.B., Acting Commissioner in Sind, to the Right Honourable Lord *Elphinstone*, G.C.H., Governor and President in Council, Bombay.

My Lord,

WITH reference to the subject of Government letter No. 493 of the 6th February 1857, to my address, with accompanying letter from his Highness Meer Ali Morad, I have the honour to report that the demarcation of the boundary line of the territory of his Highness Meer Ali Morad now being laid down has no sort of connexion with the questions raised by the Meer in his letter to your Lordship under notice.

2. So far from the demarcation of this boundary being “an arbitrary measure which the Government seems to desire to carry out in the Meer’s absence,” as asserted by his Highness, I have the honour to state that this demarkation was commenced in 1853, with the approval of his Highness, whose officers attended on his behalf to assist in the adjustment of the line, and the present officer in charge of the duties is only completing what has already been partially carried out.

3. This boundary line necessarily includes only the territories belonging to his Highness since the resumption of the lands assigned to him as Rais of Upper Sind.

4. This resumption must be considered absolute until reversed by competent authority, and was certainly so considered at the time by Meer Ali Morad.

5. The correctness or otherwise of such boundary line has not, as the Meer now pretends, and cannot have, any reference whatever to the justice or otherwise of the resumption of the Turban lands by the British Government ; it merely defines on the ground the territory which now remains to the Meer under the operation of the decision pronounced against him in 1852.

6. The reversal or alteration of such decision would of course entail the necessity of laying down a new boundary for the Meer’s territory, but the present line would still, even then, correctly represent the Meer’s patrimonial estate, which forms the territory remaining to the Meer after his being deprived of the Rais-ship of Upper Sind.

7. A great part of the Meer’s letter relates to questions which formed the subject of the investigation by the Commission which was assembled at Sukker in 1851, of which I had the honour to be a member.

8. It cannot, I imagine, be the intention of Government that I should re-enter on these questions, on which my opinions have been already judicially recorded in the proceedings of that Commission, and which have been laid before Parliament, and printed. I have since that time seen and learnt much in accordance with, and in confirmation of, the judgment then arrived at, but nothing whatever to impugn, in the least degree, the justice and correctness of our recorded conclusions.

9. I would, however, observe that Meer Ali Morad now attempts to show that Meer Roostum was his rebel subject, and that his lands were forfeited for his rebellion. Such an attempt is desperately vain, and the assertion notoriously false.

10. The territories of the minor Meers were not Jagheer lands ; they were their patrimonial hereditary domains, which were theirs by the same tenure as that by which Ali Morad held his own hereditary dominions.

11. When Meer Ali Morad assumed the Rais-ship of Upper Sind, even supposing this assumption to have been just, instead of, as it was, an usurpation, Meer Roostum would thenceforth have stood to Ali Morad in the same position as Ali Morad, when a minor Meer, stood to Meer Roostum.

12. But Meer Ali Morad, when himself a minor Meer, confessedly made war against Meer Roostum while Rais, and fought against him the battle of Nownahar.

13. Wherefore,

13. Wherefore, if by rebellion against the Rais, the minor Meer incurred, as Ali Morad asserts, the forfeiture of his domains to his feudal sovereign, Ali Morad himself had justly forfeited even his paternal territory.

14. When Ali Morad became Rais, the other Meers and their territories no more became subject to Ali Morad than he had himself been formerly to Meer Roostum.

15. If Meer Roostum, his family and connexions, forfeited their hereditary lands, it was as enemies making war on the British Government, to whom their forfeiture would fall.

16. The Turban lands, those attached to the Rais-ship, were indeed ceded to Meer Ali Morad. But, in truth, the most enormous fraud and treachery were practised in this transaction. The proceedings of Meer Roostum, in the first place, and of the lesser Meers of Upper Sind afterwards, were continually and grossly misrepresented by Ali Morad to the British authorities; the result of these misrepresentations and of the frauds practised on his brother by Ali Morad was the nominal resignation, but real deposition, of Meer Roostum from his sovereignty of Upper Sind, and the expulsion from their particular territories and estates of his sons, relations, and adherents. Meer Roostum, so far from having been a subject in rebellion against Ali Morad, was never other than his lawful feudal sovereign.

17. I beg leave respectfully to refer your Lordship in Council to my remarks, made at the request of Mr. Frere, on a printed memorial of Meer Ali Morad's, in the year 1853, which were forwarded to Government by Mr. Frere with his letter, as per margin. These remarks, together with the proceedings of the Sukkur Commission, appear to me to contain all that I could now state with regard to the subjects in question. I trust your Lordship in Council will therefore consider my enlarging further on these matters in the present letter to be unnecessary.

No. 467 of the
19th Nov. 1853.

I have, &c.
(signed) *John Jacob*, Brig.-Gen.,
Acting Commissioner in Sind.

Commissioner's Office, Kurrachee,
19 February 1857.

RESOLUTION by the Board.

RESOLVED, that a copy of his Highness Meer Ali Morad's representation and of this report be forwarded to the Government of India and to the Honourable the Court of Directors, with an intimation that the Right Honourable the Governor in Council concurs generally in the views and observations submitted by Brigadier-general Jacob. No. 1583.

That it be at the same time intimated to the Government of India that the former remarks of Brigadier-general Jacob, alluded to in the last para. of his letter, were communicated to the Supreme Government in a letter from this Government, to the address of Mr. Officiating Secretary Allen, under date December 7, No. 165 of 1853.

The attention of the Honourable Court may be drawn to the political despatch from this Government of the 24th December, No. 116 of 1853, in which Brigadier-general Jacob's remarks were submitted to the attention of that authority.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

25 February 1857.

No. 814 of 1857.—Political Department.

From *H. L. Anderson*, Esq., Secretary to the Government of Bombay,
to Brigadier-General *John Jacob*, C. B., Acting Commissioner in Sind.

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your report, No. 64, dated the 19th instant, on the letter of 158.

F

his

his Highness Meer Ali Morad, protesting against any definition of the boundaries between his territory and that of the British Government being proceeded with at the present period, and to state that copies shall be submitted to the Government of India and to the Honourable the Court of Directors, with an intimation that his Lordship in Council concurs generally in the views and observations submitted by you.

Bombay Castle,
28 February 1857.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 1585.

No. 23 of 1857.—Political Department.

(Office No. 815.)

From *H. L. Anderson*, Esquire, Secretary to the Government of Bombay, to
G. F. Edmonstone, Esq., Secretary to the Government of India in the Foreign
Department, Fort William.

Sir,

As connected with the correspondence noted in the margin,* I am directed by the Right Honourable the Governor in Council to transmit to you, for submission to the Right Honourable the Governor-General of India in Council, copy of a letter from his Highness Meer Ali Marad, dated London, December 1856, and received by this Government on the 26th of January last, protesting against the definition at the present period of the boundaries between his territory and that of the British Government.

2. I am also directed to transmit to you copy of a report upon the above letter by Brigadier-general John Jacob, c. b., Acting Commissioner in Sind, No. 64, dated the 19th instant.

3. The Right Honourable the Governor in Council concurs generally in the views and observations submitted by Brigadier-general Jacob; and for the former "remarks" of that officer, alluded to in the last para. of his letter, I am directed to refer you to the sub-enclosure to Mr. Chief Secretary Malet's letter, No. 165, dated the 7th December 1853, to the address of Mr. Officiating Secretary Allen.

4. A copy of Meer Ali Morad's representation, and of Brigadier-general Jacob's report thereon, will be forwarded to the Honourable the Court of Directors by the next overland mail.

Bombay Castle,
28 February 1857.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

* Mr. Chief Secretary Malet's letters to Mr. Officiating Secretary Allen, No. 149, dated the 10th November 1853, and No. 165, dated the 7th December 1853, with enclosures; Mr. Officiating Secretary Grant's letter to Mr. Chief Secretary Malet, No. 5091, dated the 2d December 1853.

(True copies.)

East India House,
24 March 1858.

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (AMEER ALI MOORAD).

COPIES of CORRESPONDENCE between the Court of Directors of the East India Company and the Ameer Ali Moorad of Khyrpore, and between the Court of Directors and the Board of Commissioners for the Affairs of *India*, relating to the Case of the said Ameer; of the PROTESTS or DISSENTS of individual Members of the Court of Directors relative to the aforesaid Correspondence; and of DESPATCHES to the Government of *India* and the Government of *Bombay*, relating to the Case of AMEER ALI MOORAD.

(*Sir Harry Verney.*)

*Ordered, by The House of Commons, to be Printed,
25 March 1858.*

EAST INDIA (SUNDAY TRAINS).

RETURN to an Order of the Honourable The House of Commons,
dated 24 June 1858;—for,

A COPY “of all the CORRESPONDENCE that has taken place between the Court of Directors, or any of the Local Governments of *India*, and any of the Indian Railway Companies, on the Subject of running TRAINS on the LORD’S DAY.”

East India House, }
2 July 1858. }

J. D. DICKINSON,
Secretary.

EAST INDIAN RAILWAY (BENGAL).

EXTRACT from a Letter addressed by the Government of India, in the Public Works Department (Railway), to the Honourable the Court of Directors (No. 8 of 1856), dated 28 February.

23. MR. ROCHE, the traffic manager, proposed to run a Sunday excursion train weekly from Howrah and Burdwan, and an additional short train daily between Howrah and Hooghly. We remarked that the railway company will in time have to run trains on Sundays, but they must be ordinary trains, and we saw no necessity meanwhile for encouraging Sunday excursion trains. We also doubted the utility of the additional short train, but did not oppose it if the railway authorities wished to make the experiment.

Collection, No. 6.
Proposal to run a Sunday, and an additional short train. Cons., 12 Oct. 1855, No. 77 to 79.

Enclosures to Extract Railway Letter from Government of India,
No. 8 of 1856, para. 23.

EXTRACT from the Proceedings of the Honourable the President of the Council of India in Council, in the Public Works Department (Railway), under date 12 October 1855.

No. 2886.

From the Managing Director and Agent of the East Indian Railway Company, to Lieutenant-Colonel *W. E. Baker*, Secretary to the Government of India.

Sir,
I HAVE the honour to forward a copy of a letter (No. 307, of 10 September 1855) from Mr. Roche, proposing to run a train to and from Howrah and Burdwan on Sundays, to commence from the 28th October next, and also an extra train on week days, from Howrah to Hooghly and back, from the 29th October next, and to request the sanction of Government for carrying out the arrangements.

No. 77.

I have, &c.
(signed) *R. M. Stephenson*,
Managing Director and Agent.

Calcutta, 11 September 1855.

CORRESPONDENCE ON THE SUBJECT OF

No. 307 A.

From D. M. Roche, Esq., Traffic Manager, East Indian Railway, to R. M. Stephenson, Esq.
Managing Director and Agent, East Indian Railway Company.

No. 78. Sir,
I BEG to recommend that a passenger train may be run from Howrah to Burdwan and back on Sundays, according to the arrangement shown in the enclosed time-table, forwarded for your approval. I have every reason to believe that such a train will prove remunerative to the company; it may be worked at a moderate cost, and it is likely to attract a large number of passengers on the line.

It would have been advisable, had circumstances permitted, to allow from two to three hours' delay at Burdwan, but I find that such a delay is not, under present circumstances, possible, without starting the train at such an early hour in the morning as would be very inconvenient to the bulk of the passengers, or detaining it in the afternoon, on its return, to such an hour, that its arrival at Howrah would take place after the night had set in. The crossing of the river under such circumstances would be a matter of so much danger with the boats now available for that purpose, that I consider it indispensable, until some better means of crossing the river are available, to bring the train back to Howrah by daylight. When the company's steam ferry boats are at work, some alteration will probably be practicable, by which some additional time may be allowed at Burdwan. I propose, in commencing the Sunday traffic, that we should book no third-class passengers for distances shorter than that between Howrah and Chandernagore; this will prevent crowding of our carriages for short distances, for which the company receive little remuneration, and will allow of our using our limited stock of carriages in the most advantageous way for the company's interests.

The enclosed time-table shows also an arrangement for an extra train on week-days from Howrah to Hooghly and back. I propose this more as an experiment, and with a view of inducing the public to travel, than with the expectation of deriving any considerable remuneration from it; if it pays its working expenses, which will not be heavy, the purpose for which I propose it will be saved to some extent. It is frequently very desirable that our through trains should be relieved of a portion of the short traffic, which often impedes out through passengers, delays our trains, and obliges us to run empty or partly empty carriages over long distances. The train now proposed will, in my opinion, enable us to effect considerable improvements in the working of our through trains; and with this view, as well as for the purpose of creating a traffic, the feasibility of which can only be tested by experiment, I have proposed the train now under consideration, which may be stopped after one or two months' trial, if the results are not satisfactory.

&c.
(signed) D. M. Roche,
Traffic Manager, East Indian Railway.

Howrah Station, 10 September 1855.

PROPOSED Arrangement for Sunday Trains.

From Sunday, 28 October 1855, until further Notice.

UP FROM HOWRAH.				DOWN FROM BURDWAN.				
			A. M.				M.	
Howrah	-	-	departure	9.30	Burdwan	-	departure	1.10
Serampore	-	-	"	10.3	Mymaree	-	"	2.55
Chandernagore	-	-	"	10.27	Pundorah	-	"	3.32
Hooghly	-	-	"	10.43	Hooghly	-	"	4.14
Pundorah	-	-	"	11.25	Chandernagore	-	"	4.30
Mymaree	-	-	"	12.2	Serampore	-	"	4.54
Burdwan	-	-	"	12.40	Howrah	-	"	5.30

SUNDAY TRAINS (EAST INDIA).

3

PROPOSED Arrangement of Extra Trains on Week Days from Howrah to Hooghly, and back.

From Monday, 29 October 1855, until further Notice.

UP FROM HOWRAH.		DOWN FROM HOOGHLY.	
	A. M.		P. M.
Howrah - - departure	10.20	Hooghly - - departure	1.50
Bally - - „	10.40	Chandernagore - „	2.6
Serampore - „	11.0	Serampore - „	2.30
Chandernagore - „	11.6	Bally - - „	2.50
Hooghly - - „	11.45	Howrah - - „	3.15
(signed) D. M. Roche.			

No. 1967.

From Lieutenant-Colonel *W. E. Baker*, Secretary to the Government of India, to *R. M. Stephenson*, Esq., Managing Director and Agent of the East Indian Railway Company.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 2886, dated the 11th ultimo, with enclosure, requesting sanction to an arrangement proposed by Mr. Roche, the traffic manager, for running a Sunday excursion train weekly from Howrah to Burdwan, and an additional short train daily between Howrah and Hooghly. Public Works Department, Railway.

2. The President in Council observes, that sooner or later the East Indian Railway Company must run trains on Sundays, but they must be ordinary working trains; but he sees no necessity meanwhile for encouraging Sunday excursion trains, and therefore declines for the present to sanction this part of your proposal.

3. The President in Council doubts the utility of the additional short train which Mr. Roche proposes to run on week days, "to induce the public to travel," and to relieve the through trains of many of the passengers for short distances; but his Honour in Council will not oppose it, if the railway authorities wish to make the experiment.

I have, &c.
(signed) *W. E. Baker*, Lieutenant-Colonel,
Secretary to the Government of India.

Council Chamber, 8 October 1855.

EXTRACT Financial (Railway) Despatch from the Court of Directors of the East India Company to the Government of India, No. 33, dated 15 October 1856.

Letter from, No. 8, dated 28 February 1856.—
Para. 23. With reference to proposal to run excursion trains on Sundays from Calcutta to Burdwan, Government remarked, that the railway company will in time have to run trains, and that there does not appear to be a necessity for encouraging Sunday excursion trains. The railway company allowed to make the experiment of running an additional short train, although the utility of the measure was doubted.

Para. 16. WE think it would be better to avoid interference in this particular matter unless called upon by public feeling.

CORRESPONDENCE ON THE SUBJECT OF

MADRAS RAILWAY.

Financial (Railway) Department.

(No. 7 of 1857.)

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

Para. 1. We had the honour of receiving your despatch in this department, dated 3d December, No. 36, of 1856, forwarding copy of a letter addressed by the Directors of the Madras Railway Company to their agent at this Presidency upon several important points connected with the working and management of the railway, and expressing your concurrence in the objection taken by the Directors to the rule which has been established for preventing the running of any special or extra train without the sanction of Government.

In Cons.:
20 January 1857,
Nos. 38 & 31.
13 February 1857,
Nos. 59 & 78.
13 February 1857,
No. 81.
13 February 1857,
No. 55.
10 February 1857,
Nos. 72, 64, 65,
87, 74 & 71.

Cons.:
28 October 1856,
Nos. 17 to 19.
25 November 1856,
Nos. 27 & 28.

2. We observe that when the above despatch was written, your Honourable Court had not received our letter on the same subject, dated 26th November, No. 16, of 1856. In deference, however, to the views now expressed by your Honourable Court, we at once withdrew such of our former orders as prohibited the running of special or extra trains without prior reference to Government, and instructed our consulting engineer to inform the railway agent and manager that it was open to him to run special or extra trains without prior application to us, whenever circumstances might appear to him to require it; but that he was to furnish the consulting engineer, for our information, with a monthly statement, showing the special or extra trains run, the distance travelled by each, passengers and goods carried, and receipts, with explanation of the reasons which had led to the running of the several trains. We have, however, desired it to be understood that this permission does not extend to running of Sunday regular excursion trains, which it will be seen, from the letter of the Government of India of the 4th November last, are not allowed to be run on the East Indian Railway.

Cons.:
27 January 1857,
o. 17.

3. In their letter of 16th October 1856, para. 15, the Board of Directors state, "The traffic accounts of the line, so far as they have been received, appear to be as favourable as under the circumstances was to be expected. With reference to the statement in your letter, No. 167, that the Government, on receipt of despatches from the Honourable Court, had suspended the introduction of a fourth-class passenger train, but directed that, in all other respects, their orders issued respecting traffic for passengers and goods were to remain in force, the Board have only to express their confidence that if the tariff which has been fixed upon (and which they learn is regarded by the Court in the light of an experiment), should not appear to work satisfactorily, the Government will allow the scale of fares recommended by the Board to be tried." In reference to this remark, we beg to state that our consulting engineer has recently been requested to report on the working of the present rates, and the expediency of substituting the scale alluded to by the Board, in sufficient time to allow of the orders of the Government of India being received prior to the expiration of the year for which the existing rates are under trial. A copy of the orders which we issued on the receipt of your despatch in the Financial Railway Department, dated 19th November, No. 35 of 1856, is herewith forwarded for the information of your Honourable Court.

Section 1, clauses 2
& 3. Section 13,
clause 9.

4. We have since been addressed by Colonel Pears, who has brought to our notice certain clauses in the "Rules for Railways in India," and suggested that, in conveying to the agent and manager authority to run special or extra trains without prior application to Government, his attention be directed to the above rules, and to the necessity of giving in all cases, whether by telegraph or otherwise, previous notice of such special or extra trains to station-masters and others concerned, throughout the distance to which such engine or train is intended to proceed.

5. In reply, the consulting engineer has been directed at once to make the railway agent the intimation already ordered, except that we would wish the
returns

returns of special and extra trains to be made weekly instead of monthly, and has been informed that the question which he had brought forward would be submitted for the orders of the Supreme Government.

6. We have accordingly addressed that Government on the subject, and requested their instructions. We observed that if the rules quoted by Colonel Pears were to be strictly followed by the railway company, it would be tantamount to the prevention for the present of all running of special or extra trains upon the Madras Railway, inasmuch as the electric telegraph which will accompany the line has not yet been constructed; but that it would seem sufficient, pending the setting up of the telegraph, to require that previous notice of the intention to run any special or extra train should be given by a preceding regular train; which, however, of course implies that no special or extra train would be run unless the occasion for running it were foreseen prior to the departure of the regular train immediately antecedent to it, so that notice might be given throughout the line by such train.

7. We at the same time transmitted to the Government of India copies of the minutes severally recorded by us, and solicited their instructions on the question therein discussed, viz. whether special or extra trains were to be allowed to be run on Sunday for the conveyance of the native community on the occasion of Hindoo and Mahomedan festivals, or similar observances occurring on that day.

We have, &c.

(signed) *Harris.*
Pat. Grant.
Walter Elliot.
H. C. Montgomery.

Fort St. George,
24 February 1857.

Enclosures to Railway Letter from Madras, No. 7 of 1857.

EXTRACT Fort St. George Financial Railway, Consultation of 20 January 1857.

Read the following Papers, submitted by the Consulting Engineer for Railways:

No. 48.

From Major *S. A. Jenkins*, Agent and Manager, to Lieut.-Colonel *T. T. Pears*, C.B.,
Consulting Engineer for Railways.

Sir,

I HAVE the honour to acquaint you that the annual festival will be celebrated at Trivellore in the course of the next week. I beg to propose that a special train be run on Sunday the 25th instant, leaving Madras at 6.30 a.m., and request that Government may be pleased to sanction the same.

Madras Railway,
Madras, 17 January 1857.

I have, &c.
(signed) *T. A. Jenkins*,
Agent and Manager.

No. 19.

On a Letter from the Agent and Manager of the Madras Railway Company, No. 48,
of the 17th January 1857.

Observations by the Consulting Engineer.

THE agent requests permission to run a special, or rather extra, train on Sunday next, the 25th instant, on account of the Trivellore festival.

2. Application was lately made to the Government of India for information as to the practice on the East Indian Railway in regard to Sunday trains.

3. Colonel Baker, in his reply, dated the 4th November 1856, stated that no application for the running of special trains on account of native festivals had yet been received from the agent of the East Indian Railway; but that officer forwarded copy of a correspondence with the agent of that railway company on the subject of regular Sunday trains which it was proposed to establish. In reference to this proposal, the President in Council observed, that sooner or later the East Indian Railway Company must run trains on Sundays, but they must be ordinary working trains; but he sees no necessity meanwhile for encouraging Sunday excursion trains, and therefore declines for the present to sanction this part of the proposal.

Extracts from Minutes of Consultation, No. 427 of 25 Nov. 1856.

Letter to managing director, No. 1967, dated 8 Oct. 1855, para. 2.

4. I consider the Saturday evening train will answer every purpose at present (especially as that day is being commonly observed as a half-holiday) for those who wish to visit Trivellore on the Sunday; and I should regret to see the practice of running Sunday excursion trains introduced.

Madras,
20 January 1857.

(signed) *T. T. Pears,*
Consulting Engineer for Railways.

No. 31.

No. 24.

THE Government will shortly have to communicate to the consulting engineer a despatch received from the Honourable Court of Directors on the subject of special trains. Meanwhile they will not refuse sanction to the agent's request to run a special train on Sunday next, on account of the Trivellore feast.

Fort St. George, 20 January 1857.

EXTRACT Fort St. George Financial Railway Diary to Consultation, of 13 February 1857.

Received the following papers submitted by the Consulting Engineer for Railways:

No. 66.

From Major *T. A. Jenkins*, Agent and Manager, to Lieut.-Colonel *T. T. Pears*, C.B.,
Consulting Engineer for Railways.

Sir,

I HAVE the honour to report, for the information of Government, that the demands of the public have required the running of a special train on Saturday the 24th instant, at 5 p. m., to Trivellore, and on Sunday evening the 25th instant, at 5 p. m., from Trivellore to Madras.

Also a special train this morning with carriages to Trivellore, and which returned at 7.45 a. m., filled with passengers.

I have, &c.
(signed) *T. A. Jenkins,*
Agent and Manager.

Madras Railway, Madras,
26 January 1857.

No. 29.

On a Letter from the Agent and Manager of the Madras Railway Company, No. 66,
dated 26 January 1857.

THE agent reports having run certain special and extra trains Government sanctioned in Extract Minutes of Consultation, No. 31, of the 20th January 1857, and extra train on Sunday the 25th, at 6.30 a. m.

2. The other trains reported in this letter have been run without sanction. It is possible that the railway manager had not sufficient experience to be able to foresee the requirements of the occasion.

3. The agent might be called upon to furnish special report of the traffic by these several trains.

Madras, 28 January 1857.

(signed) *T. T. Pears,*
Consulting Engineer for Railways.

Ordered to be recorded.

EXTRACT Fort St. George Financial Railway In. Cons. 13 February 1857.

READ the following papers submitted by the Consulting Engineer for Railways:

No. 109.

From Major *T. A. Jenkins*, Agent and Manager, to Lieut.-Colonel *T. T. Pears*, C.B.,
Consulting Engineer for Railways.

Sir,

I HAVE the honour to acquaint you that a special train has been ordered to be provided on Saturday the 7th instant, for the conveyance of troops, to leave Arcot after the morning train, following it to Madras. This train will in no way interfere with the working of the regular trains.

I have, &c.
(signed) *T. A. Jenkins,*
Agent and Manager.

Madras Railway, Madras,
5 February 1857.

SUNDAY TRAINS (EAST INDIA).

No. 39.

On a Letter from the Agent and Manager of the Madras Railway Company, No. 109,
dated 5 February 1857.

Observations by the Consulting Engineer.

THE order of Government, No. 55, dated the 31st ultimo, forwarding despatch from the Honourable Court on the subject of special and extra trains, was received in this office on the 2d instant, and, pending a reply to a reference to Government on the 3d idem, has not been forwarded to the agent.

2. In the accompanying letter, however, the agent reports having ordered a special train for the conveyance of troops.

Madras, 6 February 1857.

(signed) *T. T. Pears,*
Consulting Engineer for Railways.

Ordered to be recorded.

EXTRACT Fort St. George Financial Railway Diary to Consultation of 13 February 1857.

No. 55.

READ the following despatch from the Honourable the Court of Directors, dated 3d December, No. 36 of 1856.

1. Resolved, that copy of the above despatch and its enclosure be forwarded to the consulting engineer for railways, for his information and guidance.

2. It is observed, that when the above despatch was written, the Honourable the Court of Directors had not received the letter from this Government on the same subject, 26th November, No. 16 of 1856. In deference, however, to the views now expressed by the Court, the Government resolve to withdraw such of their former orders as prohibited the running of special or extra trains without prior reference to Government. The consulting engineer will consequently inform the agent and manager that it is open to him to run special or extra trains, without prior application to Government, whenever circumstances may appear to him to require it. The agent will, however, furnish the consulting engineer, for the information of Government, with a monthly statement showing the special or extra trains run, the distance travelled by each, passengers and goods carried, and receipts; with explanation of the reasons which led to the running of the several trains. It is to be understood that this does not extend to running of Sunday excursion trains, which it seems, from the letter of the Government of India of 4 November 1856, No. 5158, are not allowed to be run on the East Indian Railway.

Forward copy of a letter addressed by the Railway Board to their agent at Madras on several important points connected with the working and management of the railway. Concur in the objection taken by the Board to the rule established for preventing the running of any special or extra train without the sanction of Government. Are aware of the difficulty of defining the exact limits to Government supervision. Observe that the railway agent has quite mistaken the position of Government in his reference to a clause of the contract regarding supervision, and that that clause very properly leaves to Government full discretion to control any service under their supervision by means of the officer who may be appointed to discharge the duties of such control, but consider it to be impolitic and inconsistent with the spirit of the contract to interfere in a question of such detail as that of running special or extra trains.

3. In their letter of 16th October 1856, para. 15, the Board of Directors, it is observed, state: "The traffic account of the line, so far as they have been received, appear to be as favourable as, under the circumstances, was to be expected. With reference to the statement in your letter, No. 167, that the Government, on receipt of despatches from the Honourable Court, had suspended the introduction of a fourth-class passenger train, but directed that in all other respects their orders issued respecting traffic for passengers and goods were to remain in force, the Board have only to express their confidence that if the tariff which has been fixed upon (and which they learn is regarded by the Court in the light of an experiment) should not appear to work satisfactorily, the Government will allow the scale of fares recommended by the Board to be tried." It is remarked that the consulting engineer has recently been requested to report on the working of the present rates, and the expediency of substituting the scale alluded to by the Board, in sufficient time to allow of the orders of the Government of India being received, prior to the expiration of the year for which the existing rates are under trial.

Fort St. George, 31 January 1857.

MINUTE by the Right Honourable the President.

Minute.

I AM desirous, while passing the order on the despatch No. 36 of 1856, to call the attention of Government to a point which appears to me deserving of consideration, and which should, in my opinion, be submitted to the Government of India.

The Honourable Court have, by the above-mentioned despatch, deprived this Government of any discretionary control over the special trains which shall be employed by the railway agent.

It so happens that the first application received from the agent, after the arrival of the despatch, but previous to its substance being communicated to him, for permission to run a special train, was to enable him to employ one on Sunday, in order to convey natives to celebrate a Hindoo festival.

The Government of India have forbidden the running of excursion trains on a Sunday; and after giving the subject my best consideration, it seems to me more than questionable whether special trains should be permitted on that day for the above-mentioned purpose.

I am aware that it may be argued, that if it is wrong to sanction trains for such a purpose on Sundays, it is equally so to allow the practice on any other day.

But I do not, after due deliberation, view the question in this light.

The Government of this country, I conceive, as does the Government of England, professes to belong to the Christian religion, and mainly to that portion of the Christian Church of which the doctrines, rites, and ceremonies are embodied in those of the Church of England.

That Church keeps the first day of the week as a holy day, as well as a day of rest.

It can hardly be considered as a suitable manner of keeping a day holy, or making it one of rest, to work trains on it for the special purpose of giving facilities to heathenism and idolatry.

This view of the matter does not appear to have occurred to the railway authorities, or they, probably, would not have applied for the permission.

But as the railway is under the direction of Government, it does appear to me to render it liable to the charge of inconsistency of principle, even in the eyes of the natives themselves, if it allows such traffic to be carried out on Sundays.

It may be said that though the railway has been established and is directed by a Christian Government, yet that it is maintained chiefly for the use of the people of this country.

This is true, and there is strength in the remark; but it is not to be so at the sacrifice of any principle on the part of Government.

The question, however, is one which, I admit, is open to some doubt, but on which, having made up my own mind in favour of a restriction on any such trains, I should wish to know the opinion of superior authority.

With respect to the convenience of the masses, I may add, though I do not argue the point on that ground at all, that I doubt if they will be affected by either course.

I imagine it will be found on an inquiry, that a very small per-centage of the persons attending the festival will travel by rail, the fares being too high to meet their pecuniary means.

(signed) *Harris.*

Government House,
28 January 1857.

MINUTE by the Honourable Sir H. C. Montgomery, Bart.

Minute.

ALTHOUGH I am not disposed to place any restriction on the freest use of the railway to the people of this country, on their festival days, I think that it is desirable that the orders of the Supreme Government should be taken, whether occasionally, when these festivals fall on a Sunday, their prohibition against ordinary excursion trains on that day is to include all such extra trains as that which conveyed passengers on Sunday last to the annual feast at Trivellore. I think, too, that the number of persons who made use of the rail on that particular day should be made known to the Government of India.

29 January 1857.

(signed) *H. C. Montgomery.*

MINUTE by the Honourable Walter Elliot, Esq.

I AM of opinion that the Government is bound to prevent the running of Sunday trains on a railway under its control, due provision being made for the conveyance of the mails, and for objects of absolute necessity.

And this not merely because it professes to be a Christian Government;

But because it has deliberately pledged itself to a specific line of policy; whereas in the case under consideration, the required concession is intended to subserve the interests of the Hindoo religion.

During the last few years the Government of India has, at a considerable sacrifice of time, of labour, and of revenue, separated itself from all connexion with the religious observances

observances of the country, although such connexion only went to the stated payment of money endowments conferred by former governments, or granted in lieu of lands resumed; both of them sanctioned by long prescriptive enjoyment, and held by titles as valid and binding as those of any other description of property.

And so urgent was this object considered, that in many instances lands paying revenue directly to Government, were made over to the tender mercies of sacerdotal landlords, in the face of urgent remonstrances on the part of the landholders.

The argument most frequently urged by the advocates of the measure was, that the native inhabitants of India looked on the continuance of such payments as a direct approval and support of their religious belief by the Governors.

If they drew such inferences under that state of things, with far more reason may they view the concession of special Sunday trains, in opposition to the general practice and principles of the Government, as evincing a desire to encourage and promote the cause of their religion.

It may be said that their festivals do not always fall on a Sunday.

But they generally last for several days, and as, by the standing orders of Government, all public works are stopped, and all public offices are closed on the Lord's Day, it is certain that the classes most likely to require special trains will more generally desire to resort to the scene of festivity on that day, and that the demand for Sunday trains will become habitual and constant.

In that case, the servants of the railway company who are and who must for a long time to come be Englishmen, will be deprived of the rest to which all other classes are entitled on the day which is observed as a day of rest.

(signed) *Walter Elliot.*

9 February 1857.

No. 34.

From Lieutenant-Colonel *T. T. Pears*, C.B., Consulting Engineer for Railways, to
T. Pycroft, Esq., Chief Secretary to Government, Fort St. George.

Sir,

WITH reference to extract dated 31st January, from Minutes Consultation in the Financial Railway Department, No. 55, of 1857, directing that certain instructions be conveyed to the agent and manager of the Madras Railway on the subject of special and extra trains, I have the honour to bring to the notice of Government the several clauses noted in the margin in the "Rules for Railways in India," and to suggest, that in conveying to the agent and manager authority to run special or extra trains without prior application to Government, his attention be directed to the above rules, and to the necessity of giving in all cases, whether by telegraph or otherwise, previous notice of such special or extra trains to station-masters and others concerned, throughout the distance to which such engine or train is intended to proceed.

Section 1, clauses 2
& 3. Section 13,
clause 9.

2. It may be necessary also to inform the agent that no authority is herein conveyed for running mixed trains, or in any degree altering the conditions upon which goods and passengers are at present conveyed.

I have, &c.

Madras, 3 February 1857.

(signed) *Thos. T. Pears*,
Consulting Engineer for Railways.

No. 74.

WITH reference to Extract Minutes Consultation of the 31st ultimo, directing that certain instructions be conveyed to the agent and manager of the Madras Railway on the subject of special and extra trains, the consulting engineer brings to the notice of Government certain clauses in the "Rules for Railways in India," and suggests, that in conveying to the agent and manager authority to run special or extra trains, without prior application to Government, his attention be directed to the above rules, and to the necessity of giving in all cases, whether by telegraph or otherwise, previous notice of such special or extra trains to station-masters and others concerned, throughout the distance to which such engine or train is intended to proceed.

Section 1, clauses 2
& 3. Section 13,
clause 9.

2. The Right Honourable the Governor in Council resolves to bring the above subject to the notice of the Government of India in connexion with the late despatch from the Honourable Court, and to request their instructions. If the rules quoted by Colonel Pears are to be strictly enforced, no special trains could for the present be run on the Madras Railway, inasmuch as the electric telegraph, which is intended to accompany the line, has not yet been set up. It will, however, probably be deemed by the Government of India sufficient if, pending the construction of the telegraph, previous notice of the intended running of a special or extra train be given by a preceding regular train, which, however, of course implies that no special or extra train can be run, unless the occasion for running it be foreseen prior to the departure of the regular train antecedent to it, so that notice may be given throughout the line by that train.

391.

B

3. Meanwhile,

CORRESPONDENCE ON THE SUBJECT OF

3. Meanwhile, however, the consulting engineer will make to the railway agent and manager the communication directed in Extract Minutes Consultation of the 31st ultimo, except that the Government would wish the returns of special and extra trains to be made weekly instead of monthly. He will also apprise Major Jenkins that mixed trains are not to be run, nor the conditions on which goods and passengers are at present conveyed to be in any way departed from.

Ordered that the following letter be despatched.

No. 71.

From *T. Pycroft*, Esq., Chief Secretary to Government, Fort St. George, to the Secretary to the Government of India, Public Works Department.

Financial, Railway
Department.

Sir,

By the last mail the Madras Government had the honour of receiving a despatch from the Honourable the Court of Directors, Financial, Railway Department, dated 3d December (No. 36 of 1856), objecting to any interference on the part of the Government with the running of special or extra trains on the Madras Railway.

2. Immediately on receipt of this despatch the Government desired their consulting engineer to intimate to the railway agent and manager that it was open to him to run special or extra trains, without prior application to Government, whenever circumstances might appear to him to require it.

Section 1, clauses 2
& 3. Section 13,
clause 9.

3. The Government have since been addressed by Colonel Pears, who has brought to their notice certain clauses in the "Rules for Railways in India," and suggested that, in conveying to the agent and manager authority to run special or extra trains without prior application to Government, his attention be directed to the above rules, and to the necessity of giving in all cases, whether by telegraph or otherwise, previous notice of such special or extra trains to station-masters and others concerned throughout the distance to which such engine or trains is intended to proceed.

4. In reply, the consulting engineer has been directed at once to make to the railway agent the intimation authorising the running of special trains without previous reference to Government, and has been informed that the question which he had brought forward would be submitted for the orders of the Supreme Government.

5. These instructions I am now directed to solicit. It should be observed, that if the rules quoted by Colonel Pears are to be strictly followed by the railway company, it will be tantamount to the prevention for the present of all running of special or extra trains upon the Madras Railway, inasmuch as the electric telegraph which will accompany the line has not yet been constructed. It would, however, seem sufficient, pending the setting up of the telegraph, to require that previous notice of the intention to run any special or extra train should be given by a preceding regular train (as has been the case in the few special trains that have been run hitherto); but this of course implies that no special or extra train would be run unless the occasion for running it were foreseen prior to the departure of the regular train immediately antecedent to it, so that notice might be given throughout the line by such train.

6. I am further directed to transmit the accompanying copies of minutes that have been recorded by the Members of Government, and to solicit the instructions of the Government of India on the question therein discussed; viz., whether special or extra trains are to be allowed to be run on Sunday for the conveyance of the native community on the occasion of Hindoo and Mahomedan festivals, or similar observances occurring on that day.

I have, &c.
(signed) *T. Pycroft*,
Chief Secretary.

Fort St. George, 10 February 1857.

EXTRACT Fort St. George Financial (Railway) Diary to Consultation of 28 October 1856.

Received the following Letter :

No. 214.

Railway Depart-
ment.

From Lieutenant-Colonel *T. T. Pears*, C.B., Consulting Engineer for Railways, to
T. Pycroft, Esq., Chief Secretary to Government, Fort St. George.

Sir,

No. 17.

WITH reference to extract from Minutes of Consultation in the Financial Railway Department, No. 282 of the 19th ultimo, I have the honour to request that I may receive the instructions of Government regarding the running of extra trains, such as are required on the occasion of native festivals on Sundays.

2. The

SUNDAY TRAINS (EAST INDIA).

11

2. The practice at present is to run the ordinary passenger train (carrying the mail) on Sundays, viz., one each way between Madras and Arcot; no goods train on that day.

3. It is certain that application will occasionally be made for extra trains on Sundays, to carry passengers to Trivellore and other places of resort among the people, on the occasion of new moons and other festivals.

4. I should say that no extra trains should be allowed on Sundays. With the regular train running on that day, as well as on the previous and following days, there can be little real necessity for any extra accommodation on that particular day, a day which is not only observed by ourselves as a day of rest; but one which, as such, has become more and more appreciated by a great portion of the native population.

5. A difficulty arises, however, from the fact that in running the ordinary passenger trains as at present on Sundays, the railway company ostensibly undertake to carry passengers on that day, and that while so doing their right to limit the number they will carry may be questioned. It may be found therefore on occasions such as those to which I have referred, that they have a demand for carriage greater than the regulations can accommodate.

6. As a question involving an important general principle, the Government might perhaps consider it proper to inquire as to the regulations and practice in Bengal, in which case I beg to be favoured with instructions as to the course to be followed pending the receipt of information from thence.

I have, &c.

Madras, 21 October 1856.

(signed) *T. T. Pears*,
Consulting Engineer for Railways.

No. 375.

As suggested by Colonel Pears, application will be made to the Government of India for information as to the regulation and practice in Bengal with respect to the running on Sundays of extra trains, such as are required on native festivals. In the meantime such trains will not run on Sundays.

Sent the following Letter :

No. 363.

From *T. Pycroft*, Esq., Chief Secretary to Government, to the Secretary to the
Government of India.

Sir,

I AM directed by the Governor in Council to transmit copy of a letter, dated 21st October 1856, No. 214, from the consulting engineer for railways, on the subject of running on Sundays extra trains, such as are required on the occasion of native festivals, and to request that, with the permission of the Government of India, this Government may be furnished with information as to the regulation and practice in this respect in Bengal.

I have, &c.

(signed) *T. Pycroft*,
Chief Secretary.

Fort St. George, 25 October 1856.

EXTRACT Fort St. George Financial (Railway) Consultation, of 25 November 1856.

READ the following letter :

No. 5158.

From Lieutenant-Colonel *W. E. Baker*, Secretary to the Government of India, to
T. Pycroft, Esq., Chief Secretary to Government, Fort St. George.

No. 27.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 363, dated the 25th ultimo, transmitting copy of a letter from the consulting engineer for railways on the subject of running extra trains on Sundays, on the occasion of native festivals, and requesting to be informed as to the regulation and practice in this respect in Bengal.

391.

C

2. In

CORRESPONDENCE ON THE SUBJECT OF

2. In reply I am directed to state, for the information of the Right Honourable the Governor in Council of Madras, that no application for the running of special trains on account of native festivals, has yet been received from the agents of the East Indian Railway Company; but copy of a correspondence, as per margin*, is herewith enclosed, from which it will be seen that a Sunday excursion train was proposed, but sanction thereto declined by the Government of India.

I have, &c.
(signed) *W. E. Baker*, Lieut.-Colonel,
Secy. to the Govt. of India.

Fort William, 4 November 1856.

No. 2886.

From Mr. *R. M. Stephenson* to Lieut -Colonel *Baker*; dated 11 September 1855.

No. 307—A.

From Mr. *D. M. Roche* to Mr. *R. M. Stephenson*; dated 10 September 1855, and
Enclosure.

No. 1967.

From Lieutenant-Colonel *Baker* to Mr. *R. M. Stephenson*; dated 8 October 1855.

See *Ante*, Correspondence with Government of India.

No. 427.

No. 28. Ordered to be communicated to the consulting engineer for railways with reference to his letter, No. 214.

Fort St. George, 25 November 1856.

COPY Financial (Railway) Despatch from the Court of Directors of the East India Company to the Government of Madras, dated 24 June 1857, No. 24.

Letter from, No. 7, dated 24 Feb. 1857. Report further proceedings regarding the questions of the running of special trains, and the working of the present scale of rates and fares.

Para. 1. You will have learnt from our despatch, No. 5, dated the 28th January last, that your letter, No. 16, of 26th November 1856, to which you refer as having reached us subsequently to the date of our former despatch upon the question of running special trains, did not alter our views as to the inexpediency of interfering with the railway officers in that respect.

2. Another unnecessary aspect has, however, been given to the question in your letter under reply, and the propriety of allowing special trains to be run on Sunday, for the purpose of enabling natives to attend religious festivals, is discussed in the minutes which accompany it.

3. The observations of the Members of your Government are not confined to the simple question of running trains on the Sunday, but great stress is laid on the object on account of which the demand for such accommodation had arisen in this particular case; and your President came to the conclusion that the request was made "for the special purpose of giving facilities to heathenism and idolatry;" and Sir Henry Montgomery, that compliance therewith would be regarded as a "concession intended to subserve the interests of the Hindoo religion."

4. This view appears in great measure to have been founded upon the erroneous notion which you seem to think prevails, that Government is the manager of the railway; and we are thus strengthened in our opinion of the expediency of leaving the arrangement of details in the hands of the railway authorities. ♦

5. We

* From agent East Indian Railway Company, No. 2886, dated 11 September 1855. To ditto, No. 1967 dated 8 October.

5. We cannot, however, but regret that the question should have been allowed by you to assume the proportions exhibited in the papers before us, and that it should have been in any way mixed up with the religious creeds or rites of the native community. If the object for which the special train was required had been illegal, or one likely to be attended with results dangerous to the public peace, there would have been reason for denying it, without reference to the day ; but since the purpose in view was in no way inconsistent with the laws of the country or the usages of the people, it would, we think, have been better to have avoided any expression or acts which could be construed into a desire to obstruct the performance of religious rites and ceremonies by the natives.

6. The question should, in our opinion, have been regarded simply as one for the discretion of the railway officers, in which it was most inexpedient for the Government to interfere. As, however, you have applied to the Government of India, and they have quoted you their example as to the East Indian Railway, we shall not rescind the application of a similar rule to the Madras Railway, which will, we trust, set at rest the question which has arisen.

East India House,
2 July 1858.

, (signed) *J. D. Dickinson,*
Secretary.

J. Danvers.

EAST INDIA (SUNDAY TRAINS).

COPY of the CORRESPONDENCE that has taken place between the Court of Directors, or the Local Governments of *India*, and the Indian Railway Companies, on the Subject of running Trains on the Lord's Day.

(*Mr. Kimbaird.*)

*Ordered, by The House of Commons, to be Printed,
6 July 1858.*

EAST INDIA (TORTURE).

RETURN to an Order of the Honourable The House of Commons,
dated 29 May 1857;—*for*,

COPY “ of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of
alleged TORTURE in *India*, which have been received by the Court of
Directors of the East India Company since the 12th day of September
1855 ; together with a Copy of any INSTRUCTIONS issued by the Court
of Directors of the East India Company on the same subject.”

East India House, }
9 June 1857. }

JAMES C. MELVILL.

(*Mr. Seymour.*)

Ordered, by The House of Commons, to be Printed,
22 June 1857.

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East India House, }
9 June 1857.

J. S. Mill,
Examiner of India Correspondence.

COPY of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of alleged TORTURE in *India*, which have been received by the Court of Directors of the East India Company since the 12th day of September 1855; together with a Copy of INSTRUCTIONS issued by the Court of Directors of the East India Company on the same Subject.

Government of India.

Government of
India.

Home Department, 22 September (No. 15) 1855.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

THE Honourable the President in Council having inquired whether any proceedings on the subject of torture should be taken by the Government of India, "with reference especially to the possibility of such practices existing in the other Presidencies, and to the necessity for taking special measures for their suppression," I have the honour to solicit the orders of your Honourable Court on the subject.

2. That torture, in one shape or other, is practised by the lower subordinates in every native state of India, and in every British province, I have long ceased to doubt. I do not believe, however, that it is practised for the extortion of revenue, or in any other than police cases, within our provinces generally; and I am very certain that the practice is an object of abhorrence to British officers everywhere, as much as to those who most loudly denounce the abuse, and that civil officers do their utmost to prevent it.

3. Holding this belief, I need hardly add that I am of opinion that every special measure which can be devised for the suppression of so odious a practice should be set in motion, and should be vigorously and constantly put in execution.

4. If an Act of the Legislature should be necessary, in order to enable the several Governments to inflict an adequate punishment on those who may be proved guilty of acts of torture for any purpose, such an Act will be passed without delay.

5. Regarding the questions from this point of view, and believing for my own part that the abuse does exist, and is occasionally practised in every part of India, I must feel that inquiry into the existence of an evil, whose existence I acknowledge, would be superfluous.

6. If, however, your Honourable Court should be of opinion that a formal inquiry should be instituted in Bombay and Bengal, as it has been in Madras, steps will be immediately taken for that purpose; and any inquiry that may be instituted will be conducted by a mixed Commission, as at Madras.

7. I have the honour to request that your Honourable Court will send an immediate reply to this letter by return mail.

Ootacamund, 22 September 1855.

I have, &c.
(signed) *Dalhousie.*

Legislative Department, 21 November (No. 12) 1855.

Our Governor-General of India in Council.

1. THE Governor-general, in his letter (No. 15), 22d September 1855, Home Department, requests an immediate reply to the question therein submitted, Torture.
117—Sess. 2. A whether

Government of
India.

whether a formal inquiry concerning the practice of torture shall be instituted in Bombay and Bengal as it has been in Madras?

2. We concur with the Governor-general in thinking that further inquiry into the existence of the evil would be superfluous, but that every practicable measure should be devised and vigorously executed for its suppression. We shall accordingly approve the immediate passing of a legislative enactment for the speedy and effectual punishment of all persons guilty of the practice of torture, if the present state of the law should render such a measure necessary.

London,
21 November 1855.

We are, &c.
(signed) *E. Macnaghton.*
W. H. Sykes.

Cases of alleged Torture.

Bengal.

B E N G A L.

— No. 1. —

BY DEPENDENTS OF THE RAJAH OF JHULDA.

EXTRACT Bengal Narrative, dated 27 March (No. 24) 1856, transmitted in India Judicial Letter, 30 April (No. 39) 1856.

Chota Nagpore. Regarding a case of murder by torture committed at Jhulda. Para. 11. THE accompanying papers contain explanations called for and received from the Commissioner of Chota Nagpore, on certain points relating to a case of murder by torture, which occurred in the zemindaree of the Raja of Jhulda, in the Maunbhoom Division.

Jud. Pro., 6 Sept. 1855, No. 312.

Jud. Pro., 27 Sept. 1855, No. 441.

Jud. Pro., 6 Dec. 1855, No. 254 to 258.

12. Mr. Allen was informed, in reply, that the Lieutenant-governor, upon a careful consideration of the circumstances disclosed in the correspondence, was constrained to remark that the proceedings of Captain Oakes, the Principal Assistant in charge of Maunbhoom in this most atrocious case, had evinced a great want of vigour and efficiency, and were by no means creditable to him.

13. With regard to the measures to be adopted towards the Raja, the Lieutenant-governor concurred with the Commissioner, and directed that he should be at once divested of all police functions, and that the salaries of the requisite police establishment should be paid out of the collections of the zemindaree.

14. It was further intimated to Mr. Allen, that the Lieutenant-governor was of opinion that no allowance at all should be made to the Raja until he should either deliver up his brother Benimadhub, one of the principal offenders, or prove that he had really done his best to secure him, and that it was out of his power to effect it; and further, that there did not appear to his Honor any sufficient reason why the Raja, though he had been acquitted of participation in the actual crime, should not now be summoned before the magistrate and questioned regarding the absence of his brother, and his share in concealing him.

No. 312.
Judicial.

EXTRACT from the Proceedings of the Government of Bengal in the Judicial Department, under date 6 September 1855.

(No. 1467.)

LETTER from the Secretary to the Government of Bengal to the Commissioner of Chota Nagpore.

Sir,

Fort William, 28 June 1855.

Government and
Padshai Tanti, pro-
secutors, *versus*
Baluck Das, and
others, defendants.

THE Lieutenant-governor's attention has been attracted to a report of a case of murder by torture decided by the Sudder Court on the 2d March last, and entered at page 315 of that month's number of the Court's Criminal Reports.

2. The facts disclosed in this case are of a very atrocious nature, and it would seem that not only the local subordinate police, but also the Raja of Jaldah and

and his relatives participated in the course. The conduct of the Raja is expressly stated by the presiding local judge to have been "highly criminal." He was, Major Hannyngton writes, "at the time in charge of the police," and it was "clear that he was cognizant from first to last of the atrocious proceedings carried on within the precincts of his dwelling-place, and that his dilatory reports to the senior Assistant were intended to deceive that officer." And in confirmation of this it is stated that the information which Haribon Degoria reported to the Raja on the 30th April 1854, was not laid by him before the senior Assistant before the 8th of May, and that he replied to orders of that officer of the 1st May so late as the 13th idem.

3. The Lieutenant-governor wishes to know whether any steps have been taken towards punishing the police, or noticing in any way the conduct of the Raja and his brother; and it appears to the Lieutenant-governor to demand particular explanation why neither the Raja nor his brother Benimudhub Sing were committed to take their trial (especially the latter), whom the evidence seem to implicate as having taken a direct part in the atrocious proceedings recorded at the trial.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of Bengal.

(No. 160.)

LETTER from the Commissioner of Chota Nagpore to *William Grey*, Esq.,
Secretary to the Government of Bengal, Fort William.

No. 255.

Sir,

Chota Nagpore, 5 November 1855.

I HAVE the honour to acknowledge the receipt of your letter, No. 1467, dated the 28th of June last, calling for an explanation regarding certain circumstances connected with the case of murder and torture committed at Jhuldah, in the Division of Maunbhoom, in April 1854.

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2. A full account of all the particulars of this atrocious case will be found in the 148th paragraph of my police report for the year 1854. I have therein stated that there were, in my opinion, two errors of judgment in Captain G. N. Oakes' proceedings in this case, first the prisoners Baluck Doss, and 19 others, were committed for trial on a charge of "culpable homicide," when they ought to have been charged with murder; secondly, the Raja was fined 200 rupees for neglect of his police duties, when he ought to have been committed for trial before the court of sessions on a charge of privity or accessoryship to this cruel murder.

No. 95, dated
9 June 1855.

3. The first error was corrected by the Deputy Commissioner, who directed all the prisoners to be arraigned on a charge of murder; the second error, which might have been rectified by the Nizamut Adawlut when the proceedings were before them, was not apparently noticed either by that court or the Deputy Commissioner, although the latter, in his remarks on the trial, has observed, that he considers "the conduct of the Raja, who had at the time charge of the police, has been highly criminal."

4. After the record was returned by the Nizamut Adawlut, I sent for it, and carefully considered the Principal Assistant Commissioner's proceedings. I was of opinion that the punishment of the Raja was altogether inadequate for his offence, but I did not think that any further proceedings against him at that time would have been attended with any advantage. Perhaps I might have been able to induce the Nizamut Adawlut to quash the senior Assistant Commissioner's conviction of the Raja, and then Captain G. N. Oakes would have been in a position to take up the case again and to commit the Raja to the sessions court; but when I considered what had taken place at the sessions, where only four out of 20 persons committed were convicted, I was of opinion that it was too late to bring the Raja before the court of sessions. A new trial, resulting in the acquittal of the Raja, was, if possible, to be avoided, because it would in all probability have weakened the evidence against the principal offender Benimadhub Singh, who is still at large, and whose guilt, as the case stands, seems to be clearly proved.

Bengal.

5. It will be seen from my report that very liberal rewards have been offered for the apprehension of five persons who are the principal offenders, two of whom have been apprehended since my police report was written, but I regret to state that the Raja's brother, Benimadhub Singh, and the two others have not yet been arrested.

One mohurrir and
four burkundaues.

6. All the subordinate police officers serving under the Raja at the time of the occurrence of the crime have been dismissed from office.

Darogah, 30 rupees
per mensem;
4 burkundaues, at
4 rupees, 16 ditto.

7. As soon as I was informed of the Raja's misconduct, I directed the senior Assistant Commissioner to place him upon his trial, and to prohibit him from exercising any police authority in the pergunnah till further orders, and the police establishment noted on the margin was employed temporarily to conduct the police duties of the estate; the cost of these policemen has been defrayed from the collections of the pergunnah, which is attached for the payment of the Raja's debts, under the Government orders of the 13th of October 1854.

8. I have no doubt that Raja Hurrihur Sing was fully cognizant of the atrocities perpetrated in his "gurh," by his brother Benimadhub Sing and his dependants; but I do not think that he personally took any part in them. It is well known that Benimadhub Singh is wandering about the Jhuldah jungles, where he could not remain for a day unless he was protected by the Raja, who has been repeatedly called upon to produce him.

(No. 95.)

No. 349.

EXTRACT LETTER from the Commissioner of Chota Nagpore to *William Grey*, Esq., Secretary to the Government of Bengal, Fort William.

Chota Nagpore, 9 June 1855.

148. DURING the night of the 27th April 1854, an idol and its ornaments, valued at 241 rupees, were stolen from the family residence of Raja Hurreehur Singh, who is the p^{er} ellakadar of pergunnah Jhalda. Benimadhub Singh, the Raja's brother, Manick Oopadhya, and other dependants of the Raja, seized Sadhoo Churn, Tantee Kangla Bhokat, and six others, whom they suspected of the robbery, took them to the Raja's "gurh," and there tortured them with the view of extorting confessions, and of procuring restoration of the stolen property. Sadhoo Churn and Kangla, upon whom apparently rested the strongest suspicion, were most brutally tortured in the following fashion: their fingers were tied tightly together, and then pieces of split bamboo were driven forcibly between them; their toes were operated upon in a similar manner; boiling oil was poured on the palms of their hands and on their feet by order of Benimadhub Singh; the testicles of Sudhoo Churn were squeezed by a pair of pincers, made of two crossed sticks, till he was emasculated; they also tortured him otherwise in the most cruel manner. Sadhoo Churn died from the effects of this maltreatment on the 11th May 1854. The Raja of Jhaldah, in a report dated the 1st May 1854, apprised the senior Assistant Commissioner of the robbery, but stated that as the informant did not desire inquiry, none had been made. This report did not reach the senior Assistant Commissioner till the 8th of May 1854. On the 1st of May 1854, Choomtoo Malito and Sibu Pan appeared before the senior Assistant Commissioner, and deposed that several of their friends and relatives had been seized by Benimadhub Singh and his people, and had been put to torture in this idol case. In reply to a communication made to him by the senior Assistant Commissioner, the Raja declared that no violence had been used, and that Ramdhun and others had been apprehended on this charge, but had been released for want of proof. The senior Assistant Commissioner deputed, first, the jemadar, and then the peshkar of his office, to conduct the mofussil investigation into this case; he subsequently proceeded himself to Jhalda and superintended the inquiry in person. Twenty defendants were apprehended and committed for trial to the sessions. The senior Assistant Commissioner made the commitment for culpable homicide, but the Deputy Commissioner very properly ordered the charge to be amended, and the prisoners were tried for murder; sixteen of them were acquitted by the Deputy Commissioner, the remaining four* were referred to the Nizamut Adawlut. They were found guilty by that court of being accomplices in the murder of Sadhoo Churn, and were sentenced to imprisonment for life in transportation.

*1. Baluck Dcs.
2. Khedna Ghassi.
3. Shadeb Myra.
4. Kara Khol.

transportation. The rewards as specified on the margin have been offered for the capture of the principal offenders, who I regret to say are still at large; they are, I understand, wandering about the jungles of pergunnah Jhalda and the neighbouring zumeendaries. The senior Assistant Commissioner fined the Raja of Jhalda 200 rupees in this case, for neglect of duty and wilful concealment of this crime. Although the Raja does not appear to have taken an active part personally in this murder and torture, he must certainly have been cognizant of it; he was at home, and must have known what his brother and servants were doing within the precincts of his petty fort. After the death of Sadhoo Churn, he falsely reported, in his capacity of head of the police, that no violence had been used; for criminality of this complexion a fine of 200 rupees is in my judgment a very inadequate and improper punishment; the evidence appears to me to be such as to warrant the commitment of the Raja on a charge of accessoryship to the murder; as, however, sentence has been passed, it would be, I think, contrary to law to take any further proceedings against the Raja now; it is clear, however, that he is a person altogether unfit to be entrusted with any police authority. I have, therefore, directed the senior Assistant Commissioner to suspend all his police functions till further orders, and to take the management of the police of pergunnah Jhalda into his own hands as a temporary arrangement. After the nature of the Raja's police engagements has been inquired into and ascertained, I shall do myself the honour to submit a report to Government, in regard to the measures which are considered necessary for the future management of the police of pergunnah Jhalda.

Benimadhub Sing,	500 rupees.
Manick Oopodhya,	250 "
Kannye Mahallee	50 "
Kokah Bheesnia -	50 "
Madhoo Rajwar -	50 "

EXTRACT Judicial Letter to India; dated 28 January (No. 12) 1857.

22. THE attention of the Lieutenant-governor appears to have been drawn to this atrocious murder by the perusal of the report of the trial of the case before the Sudder Nizamut Adawlut. It is in evidence that some of the Raja's idols having been stolen on the 27th April, certain persons (among whom was the deceased) were arrested and cruelly tortured. The deceased was treated with especial barbarity, as one suspected of the theft, and his death was the consequence. The Raja, who was vested with police jurisdiction, reported on the 6th May to the Assistant Commissioner, that certain persons had been apprehended on suspicion of stealing the idols, but discharged for want of evidence. Complaint had, however, been made to Captain G. N. Oakes that the persons alleged to have been released had been subjected to torture, and on the 13th the body of the deceased was brought in with marks of violence sufficient to account for death. From the evidence it appears that the Raja, though not present, must have been perfectly cognizant of the ill-usage (which took place within his own dwelling-house), and that his brother Beni Sing was present at the infliction of the torture.

Chota Nagpore.

23. Captain Oakes, after investigation, committed the prisoners on the charge of culpable homicide, and fined the Raja 200 rupees for neglect of his police duties. As remarked by the Commissioner, Captain Oakes greatly erred in both these proceedings. The prisoners should have been committed for murder, and the Raja on a charge of privity to the crime.

24. It is satisfactory that the prisoners have been sentenced to transportation for life, and we hope that the energetic measures taken to ensure the capture of Beni Sing may be successful. He will, of course, if evidence be forthcoming, be committed for murder.

25. We entirely approve the withdrawal from the Raja of police powers and the suspension of his allowance until he shall have done his utmost to give up Beni Sing to justice; the intimation made to the Commissioner regarding Captain Oakes' misconduct was also proper.

Bengal.

— No. 2. —

BY THE POLICE OF CALCUTTA.

EXTRACT Bengal Narrative, dated 14 November (No. 53) 1855, transmitted in India Judicial Letter, 5 December (No. 62) 1855.

Para. 22. THE annexed papers contain a report submitted by the chief magistrate of Calcutta, relative to two cases which had formed the subject of comment in the public papers, with reference to the alleged use of torture by the police in Calcutta for the purpose of extorting confessions. The Lieutenant-governor considered that the explanation afforded was satisfactory, and approved of the measures adopted by the chief magistrate to prevent all abuse of their power by the subordinate police.

LETTER from Chief Magistrate of Calcutta to the Secretary to the Government of Bengal, Judicial Department, Fort William.

Sir,

3 June 1855.

THE attention of the public has lately been attracted by the Calcutta newspapers to the alleged torture for the purpose of extorting confessions of certain prisoners in custody of the Calcutta police, and so much has been written on the subject, that I think it my duty to submit for the information of the honourable the Lieutenant-governor, the following observations in regard to the two cases more especially referred to.

2. In the first of these cases, Mr. Allen, an European inspector of the second class, and two of the native police, have been convicted by the senior magistrate of assault on two prisoners in their custody on a charge of theft, but the offence committed cannot reasonably be called that of torture, the assaults were not of a serious nature, and the senior magistrate, who carefully inquired into the whole case, did not think the parties concerned to be deserving of any severer punishment than moderate fines, in addition to the loss of their situations, which he believed would follow.

3. I confess I was surprised at the amount of punishment awarded, and I immediately addressed the senior magistrate, in order to ascertain whether in his opinion the more serious part of the charge, viz. that the assaults were committed with a view to extort confessions, had been proved, for if so, I observed it would be my duty to dismiss the inspector and native police from the force; whereas, on the other hand, if the assaults were simple ones, arising from other causes, it would be wrong in me to deal with unnecessary harshness towards my subordinates; that the lightness of the punishment had left me in doubt as to what had been proved, and what course it was my duty to pursue.

4. The senior magistrate informed me in reply, that the assaults were not in themselves of a cruel nature, though aggravated by the motives which led to their being committed, viz. to extort confessions, and that the leniency shown was owing to his opinion being that the proper punishment for the offence was dismissal from the force.

5. On receiving this information, I at once dismissed the police officers from the force, and I confess it is to me a matter of regret that their offence was not visited with a more severe punishment.

6. In the second case, four men have been convicted before the Supreme Court of passing base metal for gold, and so defrauding a gentleman of 300 rupees; one of them in his defence stated that he had been ill-used by the police, but did not bring forward a single witness to substantiate his statement, which could be disproved by the evidence of many persons, and is utterly destitute of any foundation.

7. A learned counsel, who defended another of the prisoners, has remarked strongly on the extraordinary delay which occurred in bringing the prisoners before a magistrate, and on the circumstance of their having been taken to several

several places in the first instance, and has argued therefrom that the admission made by them must have been from terror of ill-usage.

Bengal.
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8. There was unusual delay in bringing up the prisoners under circumstances which I will now explain. One of the principal parties who had eluded capture for upwards of a fortnight was arrested at 9 P.M. of the 16th of May. He had previously passed himself off as a serang or petty officer of a vessel in the river, and on being taken, he denied *in toto* being the person accused; he was, however, recognised and locked up for the night; on the 17th, in consequence of information received, he was taken to the house of correction by permission of the deputy superintendent with a view to inquiries being made as to his being an old offender in a similar case of fraud, his real name, &c.—there he was recognised. He was on the point of being taken to the Allipore gaol for a similar purpose, when knowing further concealment of his previous conviction and bad character to be hopeless, he suddenly made what is called a clean breast of it, and came out with the whole story, and offered to point out his associates; these he said belonged to the labouring class and would not be at home during the day; they also resided at some distance from town; their houses were pointed out by him, and they were arrested at 11 P.M., and thus the inspector was engaged throughout the whole of the 17th in prosecuting his inquiries.

9. The case ought to have been brought up on the following day, *i.e.*, the 18th, but it could not be done, as further information and further inquiries were necessary; the fourth prisoner was arrested on this day, and on the morning of the 19th the case was sent by me before the division magistrate, who, finding the evidence clear against the prisoners, committed them to the sessions, where, as already observed, they were all convicted, and have been sentenced to various periods of imprisonment in the house of correction.

10. That in the course of these inquiries any torture or other maltreatment was committed by the deputy superintendent of the division, or the first-class inspector, or by others with their connivance, I utterly and entirely disbelieve, and it was impossible that any torture could have taken place without their knowledge.

11. In regard to the future, I have given clear and distinct warning to every officer of the force, European and native, that I will on no account allow of their in any respect outstepping the limits of their duty; it is not my wish to prevent inquiries into the official conduct of my subordinates; on the contrary, it is my anxious desire to afford every facility to such investigations, and that merited punishment should follow on conviction.

12. To avoid the possibility of any prisoner being again detained without being brought before a magistrate for his orders, I have directed the deputy superintendents to exercise no discretion in the matter, but invariably to bring their prisoners before myself or the division magistrate, at the next sitting, in the event of the police being closed owing to a holiday or Sunday. I will take care that the prisoner is kept in charge of the police without my sanction.

13. I have also requested the division magistrates to take notice of all cases in which prisoners before them appear to have been in the hands of the police for an unreasonable time, and further to make particular and searching inquiries in regard to the conduct of the police officers in every case in which any prisoner is said to have made any admissions or dismissions of guilt.

14. I trust, by the adoption of these measures, that all further cause of complaint will be removed.

I have, &c.

(signed) G. F. Cockburn, Chief Magistrate.

Bengal.

(No. 1244.)

LETTER from the Secretary to the Government of Bengal to the Chief
Magistrate of Calcutta.

Sir,

Fort William, 9 July 1855.

I AM directed to acknowledge the receipt of your letter No. 732, dated the 30th ultimo, submitting, for the information of the Lieutenant-governor, a statement respecting two cases which have formed the subject of recent comment in the public papers, with reference to the alleged use of torture by the police in Calcutta for the purpose of extorting confessions.

2. In reply I am directed to say that the Lieutenant-governor considers the explanation afforded by your letter to be satisfactory, and he trusts that the measures adverted to in paragraphs 11 to 13 will prove effectual to prevent all abuse of their power by the subordinate police.

I have, &c.

(signed) *W. Grey,*

Secretary to the Government of Bengal.

EXTRACT Judicial Despatch to India, dated 14 January (No. 9) 1857.

Para. 17. IN the first case the prisoners were assaulted with a view to extort confessions, by an European inspector and two native police. The punishment, a moderate fine, imposed on these police officers, appearing too lenient, Mr. Cockburn, the chief magistrate, made an inquiry, from which it appeared that they had not been severely punished, in the expectation that they would be dismissed, as they in fact were, from the force. In the second instance, Mr. Cockburn was decidedly of opinion that no ill-treatment had taken place, and that any delay which had occurred in taking the prisoners before a magistrate was necessary and justifiable. He had, he added, warned his subordinates not to overstep their duty, and would see that prisoners were not unduly detained.

18. This assurance is satisfactory, as is the explanation which accompanied it, as far as Mr. Cockburn is concerned. We see, however, with some surprise, and very deep regret, a European officer, though only a subordinate, implicated in such a transaction.

— No. 3. —

BY THE POLICE OF THANNAH NAWABGUNGE, 24 PERGUNNAHS.

EXTRACT LETTER from the Commissioner of Circuit, Nuddea Division, to the
Secretary to the Government of Bengal; dated 11 July 1855.

Para. 15. AMONG the miscellaneous crimes there is one requiring my notice, viz., the conviction of a police darogah for torture. It appears that Mr. Mans Agnew of the civil service was proceeding up country, when in crossing the river at Puttah, he heard screams on the left bank. The boatmen having put back, Mr. Agnew found that the screams came from a police station (the Nawabgunge thannah), where the police had tied up a man to a transverse bamboo supported on two upright posts. The victim's arms were tightly bound with a cloth, to which a rope was attached, by which he was suspended, his legs being about a couple of feet from the ground. On seeing Mr. Agnew, the whole of the police at once deserted the thannah, and he had to let the man down with his own hands, and afterwards, not knowing what to do with him, and afraid to leave him again to the tender mercies of the Nawabgunge police, Mr. Agnew brought him on in his carriage to Hooghly. The left arm of the man, named Ram Saha, has a slight mark in it.

Mr. Fergusson immediately proceeded himself to the thannah and commenced an inquiry. It appeared that a valuable watch had been stolen from Captain Ross, Assistant Adjutant-general at Barrackpore; suspicion fell upon the chowkeedar of the house, and the sirdar bearer, and the darogah took this method of extorting a confession and discovery of the stolen property. The parties

parties concerned were convicted before the sessions judge, and sentenced. The darogah to four years' imprisonment and a fine of 500 rupees, and his assistant, two jemadars and three burkundauzes to two years' imprisonment, and a fine of 100 rupees; every individual therefore concerned in the case has been prosecuted to conviction, and the example will doubtless have a most beneficial effect on the conduct of the police in general.

Bengal.

EXTRACT Judicial Despatch to India, dated 4 March (No. 18) 1857.

Extract para. 14 But we observe with deep regret a case of torture by the police, whose conviction and punishment were satisfactory

— No. 4. —

BY THE POLICE OF KIDDERPORE, IN THE 24 PERGUNNAHS.

EXTRACT Bengal Narrative, dated 14 May (No. 38) 1856, transmitted in India Judicial Letter, 25 June (No. 57) 1856.

Para. 57. THE officiating Commissioner of Nuddea submitted copy of a correspondence respecting a case of torture at Kidderpore, in the 24 Pergunnahs, in which a police mohurrer and three burkundauzes had been convicted and sentenced by the additional sessions judge to various periods of imprisonment, and he recommended the dismissal from the service of Government of first-grade darogah Syud Mughur Ali, of the Kidderpore thannah, for his conduct in connexion with this case.

58. Having carefully considered the circumstances disclosed in this correspondence, as well as the several petitions presented to the Commissioner's office and to this Government, the Lieutenant-governor entirely concurred in the opinion expressed by Mr. Stainforth, and the magistrate of the 24 Pergunnahs, that the darogah was no longer worthy of confidence, and directed accordingly that he should be dismissed from his situation.

59. His Honor further determined, that the thannah mohurrer should be publicly declared incapable of serving Government in future in any capacity, and a circular was issued to the Commissioners of the several divisions, directing that in future the chief resident police officer of any police station at which torture was proved to have occurred should be liable to dismissal.

LETTER from the Commissioner of Circuit, Nuddea Division, to the Secretary to the Government of Bengal.

Sir,

Allepore, 13 November 1855.

I HEREWITH beg to submit, for the perusal of the Lieutenant-governor, copy of a letter from the magistrate of the 24 Pergunnahs, No. 1057, dated the 7th instant, respecting a case of torture at Kidderpore, in which a police mohurrer and three burkundazes have been convicted and sentenced by the additional sessions judge to various periods of imprisonment.

2. His Honor will perceive that the magistrate has recorded his opinion that Syud Mughur Allee, the first-grade darogah of the thannah, should be dismissed.

3. Mr. Fergusson is of opinion, that unless special reasons to the contrary be shown, the chief resident police officer should be dismissed in every case of torture, whether he be actually present during the infliction of the torture or not; applying this rule to the present case, he remarks that no such special circumstances have been elicited in favour of the darogah, but that on the contrary,

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trary, there is irresistible presumption of his connivance, arising firstly from the fact of the tortured man having been illegally detained at the thannah for no assignable cause which can be credited, than intention to force him to give information whereby the property he was supposed to have stolen would be traced.

4. Mr. Fergusson further comments on the circumstances of the tortured man having given a confession before the darogah on Saturday, after denial on a previous day, of the torture having been carried on within a hundred yards of the darogah's house, and of the tortured man having borne marks of the ill-treatment to which he had been subjected, as facts rendering supposition of the darogah's ignorance of the torture unreasonable, and he notices that the darogah was living upwards of 50 yards from the thannah in direct disobedience of his order.

5. I submit the enclosures of the magistrate's letter, *i.e.* the darogah's defence, and a letter from the Collector of the 24 Pergunnahs, complaining of his having purchased jotes in the vicinity of the thannah.

6. I see nothing in the defence which can be held to exonerate the darogah. Old offenders never confess excepting under undue influence, or in rare instances, on exhibition of circumstances rendering a denial useless, and as such circumstances were not present in the case under notice, I have come to the conclusion that the darogah, who is an old police officer, could not have taken down the tortured man's confession without consciousness that it was not a free and voluntary confession, but was one which had been obtained by improper means.

7. Again, it seems to me incredible that the mohurrir would presume to make use of the cruel torture which he has been convicted of ordering, without the direct consent of the darogah, unless the practice of torture had previously had his sanction in other cases, and on either supposition no further confidence can be placed in the darogah, to whose dismissal I have assented.

8. The Lieutenant-governor will, I doubt not, recognise with high approval the prompt and efficient manner in which the case has been treated by the magistrate.

I have, &c.
(signed) *H. Stainforth*,
Officiating Commissioner.

LETTER from the Magistrate of the 24 Pergunnahs to the Commissioner
of Circuit, Nuddeah Division.

Sir,

7 November 1855.

I HAVE the honour to report upon the case of torture in order to extort a confession at thannah Kidderpore. It took place on Friday night, the 26th October. I heard of it on Saturday night, investigated it on Sunday, and committed the accused on Monday. The case was disposed of by the additional judge this day, and sentence passed as per margin.*

2. My reasons for commitment give full particulars of the case in the following words :

"Late in the evening of Saturday, the 27th instant, Mr. Floyd, keeper of the Allepore goal, verbally reported to me that a thief named Muntoo had that afternoon been sent from Kidderpore thannah, that he complained of having been tortured by the police, and that he was passing blood from the fundament. I directed Mr. Floyd to ascertain whether the man's life was in danger, in order that I might, if necessary, record his deposition without delay. Shortly afterwards, Mr. Floyd wrote me the note marked A., which being so far satisfactory, nothing further could be done that night.

" Early

* Prisoner No. 1, seven years with labour ; No. 2, five years with labour ; No. 3, one year, fine of 25 rupees or labour ; No. 4, five years with labour ; No. 5, acquitted.

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“ Early next day I went to the hospital ; I there found Muntoo, who told me he had been tortured by the mohurrer, and some burkundauzes of Kidderpore. I observed marks of ill-treatment on his person, particularly on the shoulders, loins, and posteriors. I also saw a quantity of clotted blood, which I was informed had been passed by Muntoo at stool.

“ I then got into my buggy, and taking a mohurrer with me, drove to the thannah. Muntoo was conveyed there in a palanquin. On arrival, his deposition was recorded on oath.

“ He stated that he had been suspended by the arms, beaten by three burkundauzes, and otherwise tortured, in a house at the south-west corner of the tank behind (or east of) the thannah, and that during the torture, the thannah mohurrer's servant, a boy, and a Brahmin cook, were present. On hearing this, I at once went to the house indicated. It proved to be the residence of the thannah mohurrer (Prisoner No. 1). In that house, and employed in their domestic duties, I found the boy Teencouree (Witness No. 2), and the Brahmin, Sumbhoo (Witness 3). As was to have been expected, they became greatly alarmed and were very unwilling to give evidence against their employer. But after patiently cross-questioning them separately, I succeeded in eliciting the truth.

“ Muntoo further stated, that after being suspended for some time he was let down and again tortured by having a bamboo pressed across his body. He pointed out prisoner 1, Prosunno Coomar, as having ordered the torture, and prisoners 4 and 5, as having inflicted it. He also stated that prisoner 3 was an accessory, and that another burkundauze (whose personal appearance he minutely described), had also severely beaten him ; on this statement prisoner 2 was summoned from Budge Budge, and, on seeing him, Muntoo swore to him as his third tormentor.

“ At my desire Muntoo then led the way to the house in which he had been tortured, as stated above ; it proved to be the residence of prisoner 1, situated 105 paces from the thannah lock-up, at some distance from the public road, and surrounded by the houses of police dependents.

“ On entering this house Muntoo at once, and without any survey pointed out a bamboo rafter, stating that he had been thereto suspended and beaten. On examining the said rafter, at the spot indicated, I found a clear, unmistakable mark of a rope having been tightly drawn round it. This was a greasy, glossy rubbed mark, such as is often made in a bamboo by the pendulous motion of a rope tightened by having a heavy weight attached. I also found in the said house a rope and a bamboo, which were recognised by Muntoo as the instruments of torture.

Here follows the evidence of witnesses.

For the above reasons, I commit the prisoners for trial, this 29th day of October 1855.

4. In this case Syud Moghur Ally, darogah of Kidderpore, has been suspended, and I have now to state how far he must, in my opinion, be held responsible for the cruel treatment of Sheek Muntoo. As a general rule, I consider that whenever torture is proved to have been inflicted at any police station, the chief resident police officer should be dismissed from the Government service, whether he was actually present at the torture or not. This wholesome rule should never be departed from, excepting for special reasons. No such reasons exist in the present instance. All the evidence, indeed, shows that during the torture the darogah was in his own dwelling-house ; but he is, notwithstanding, exceedingly culpable, and the presumption of his connivance at the torture is irresistible.

(signed) H. Fergusson, Magistrate.

LETTER from the Under-Secretary to the Government of Bengal to the Commissioner of Circuit, Nuddea Division.

Sir,
Fort William, 17 December 1855.
I AM directed to acknowledge the receipt of your letter (No. 124 A), with enclosures, recommending the dismissal from the service of Government of first-grade
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Bengal.

grade darogah Syud Muzhur Ali, of the Kidderpore thannah, for his conduct in connexion with a case of torture recently committed within the jurisdiction of the said thannah.

2. The Lieutenant-governor having carefully considered the circumstances disclosed in this correspondence, as well as the several petitions presented to your office and to this Government, entirely concurs in opinion with yourself and the magistrate of the 24 Pergunnahs, that the darogah is no longer worthy of confidence, and directs accordingly that he be dismissed from his situation.

3. The Lieutenant-governor further determines that the thannah mohurrer, Prosono Coomar, who has been convicted at the sessions, be publicly declared incapable of serving Government in future in any capacity, and this will be notified in due course.

4. Mr. Fergusson's conduct of the case, I am desired to add, merits high approbation. The Lieutenant-governor would wish you also to intimate to Mr. Floyd, keeper of the Allepore gaol, the sense he entertains of his very commendable interposition on the part of the prisoner Muntoo, and that you will also make known to Rajnarain Gooplo, the sherishtadar, and to Ramkanai Ghose, nazir of the magistrates' court, and to Mahomed Summee, jemadar, and Kodrut Ullah, naib jemadar of the Balaghustee guard, that the Lieutenant-governor has viewed with much satisfaction their voluntary and praiseworthy exertions in aid of the magistrate's inquiries.

5. Adverting to the 4th para. of Mr. Fergusson's letter to your address, I am directed to state that the Lieutenant-governor greatly approves of the general principle therein laid down, namely, that except for special reasons to be clearly shown, the chief resident police officer of any police station at which torture is proved to have occurred, should at once be dismissed, and on this point a circular letter will be issued from this office to all magistrates for communication to all darogahs.

I have, &c.

(signed) *A. W. Russell,*

Under Secretary to the Government of Bengal.

EXTRACT Judicial Despatch to India, dated 22 April (No. 27) 1857.

Para. 44. VERY high praise is due, and was justly awarded to Mr. Fergusson, the magistrate of the 24 Pergunnahs, for the great promptitude shown by him in investigating this case, which is one of great barbarity. The dismissal of the darogah (who was already liable to that punishment for purchasing land within the jurisdiction of his thannah) has our approval, there being no reasonable doubt that he was cognisant of the infliction of the torture. The mohurrer was properly declared incapable of serving Government; the darogah, the greater offender, is similarly disqualified, though it is not stated that this fact was notified, as in the case of the mohurrer.

45. We concur with the Lieutenant-governor in the opinion he had expressed in regard to the praiseworthy conduct of the following officers: Mr. Floyd, keeper of the Allepore gaol; Rajnarain Goopto, sherishtader; Rain Kani Ghose, nazir; Mahomed Summee, jemadar, and Kodrah Oollah, naib jemadar.

46. The recommendation of the magistrate and Commissioner, that, as a rule, the head resident officer of a thannah, where a case of torture occurs, should be liable to dismissal, was properly acceded to. The widest publicity should be given to all cases in which adequate punishment is awarded for the offence of torturing.

NORTH-WESTERN PROVINCES.

North-Western
Provinces.

— No. 1. —

CASE OF TORTURE—MURDER OF DUSOLA CHUMAR.

EXTRACT from Judicial Criminal Narrative, No. 5, dated 13 March 1855.

Agra Division.

Para. 256. AN inquiry originating in a communication from the Mynpoory sessions judge, certifying misconduct of the police in the case of murder of Dusola Chumar, in May 1854, left no doubt on the Commissioner's mind, that Ram Narain, deputy magistrate of pergunnah Lucknah in this district, was with his subordinates concerned in the illegal detention of two prisoners, one of the prisoners having evidently been tortured, and part of the deposition of the deceased Dusola, bearing date the 28th February, having been added on the 3d March, with mention of names and circumstances not at first stated. For these reasons, the Commissioner having applied to Government for the necessary sanction to the dismissal of Ram Narain, his Honor replied, that the circumstances detailed were such as fully to warrant the measure, which was accordingly confirmed.

Collection No. 144,
Mynpoory District.
Dismissal of Ram
Narain, Deputy
Magistrate.

EXTRACT from the Proceedings of the Honourable the Lieutenant-Governor of the North-Western Provinces in the Criminal Branch of the Judicial Department, under date 15 May 1854.

(No. 53 of 1854).

No. 222.

LETTER from *H. Unwin*, Esq., Commissioner, Agra Division, to *W. Muir*, Esq., Secretary to Government, North-Western Provinces.

Sir,

I HAVE the honour to request that you will lay the annexed correspondence before the honourable the Lieutenant-governor, with a view to obtaining the necessary sanction to the dismissal of Ram Narain, deputy magistrate of pergunnah Lucknah, zillah Etawah.

2. The inquiry originated in a communication from the Mynpoory sessions judge certifying misconduct of the police in a case of murder of Dussola Chumar in May 1853, and left no doubt in my mind that the deputy magistrate was concerned with his subordinates in the illegal detention of two prisoners, after one confession dated 28th February, until 2d March, the date of other confessions, one of the prisoners having evidently been tortured, and part of the deposition of the deceased Dussola, bearing date 28th February, having been added on the 3d March, under the former date, with mention of names and circumstances not at first stated.

3. The order for dismissal was passed without due advertence to section 5, Act XV. of 1843, which requires the sanction of Government in the case of deputy magistrates.

Commissioner's Office, Agra Division, }
26 April 1854.

I have &c.
(signed) *H. Unwin*,
Commissioner.

COPY of Remarks on the Acquittal Statement forwarded by the Sessions Judge of Mynpoory, under date 16 May 1853.

No. 223.

THERE was evidence against the prisoners in the shape of their mofussil confessions, on the day after the night on which Dussola was wounded, and in his positive indication of such, which led to the arrests as well as the discovery of a sword pointed by Chidda in some kurhee of Sona's, while there was, at the same time, a foudary confession, dated 4th March, before Mr. Brown, duly attested at trial by the subscribing witnesses; there were also clear indications of an attempt to criminate one of the zemindars of the prisoners' village, Buchoollee, as an accomplice, in the first confessions, and in the latter, a

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zemindar of Juktowlee, Dussola's village, was substituted; there was also a manifestly perjured statement of these alleged eye-witnesses, whose names were, as the mohurrir admitted, first mentioned by Dussola on the 3d March, though, by the direction of the tehsildar and thanadar, he inserted the mention in a deposition dated 28th February. Still as all this tampering appeared to be to injure first one zemindar, then the other, of hostile villages, and not directed against the prisoners, who, moreover, made no statement in their own vindication, I did not concur with the assessors in their acquittal, and with a strong impression of their guilt, was about to refer the trial. Sona had (as is not uncommon) pleaded that he had been tortured, and shown some marks, to which, on the evening of the 29th, I did not attach much importance. On consideration, however, on the following morning I directed him to be sent to the civil surgeon, whose report, that the marks were from branding, at once induced me to change my opinion, and acquit the prisoners. Examination of the Foujdary record leaves no doubt in my mind that Sona was tortured, and probably on the 2d March, on which date a confession communicating Ghumbhere Sing, zemindar of Juktowlee, instead of Manck Sing, zemindar of Burcholee, named on the 28th February, is recorded, but its witnesses were not included in the calendar. On that date, the thanadars sent the prisoners to the (tehsildar's deputy magistrate), fearing, he says, to exceed the limit of detention. The tehsildar then sent back on the same date; this evasion of the law was utterly needless, so far as can be seen, and the real cause was probably the difficulty of producing Sona before Mr. Brown so soon after branding him; no reliance could be placed on any portion of evidence under such indications.

The evident misconduct of the police has been duly certified under sect. 10, Regulation VII. of 1831, to the Commissioner, and I must add, for the Court's information, that the tehsildar seems to be the same officer whose manufacture of evidence was so conspicuous in a case of dacoity committed by Mr. Boldero, and tried by me in February 1852, of which I furnished a detailed report at the time.

(signed) *H. Unwin*, Sessions Judge.

No. 227.

LETTER from *W. Muir*, Esq., Secretary to Government North-Western Provinces, to *H. Unwin*, Esq., Commissioner, Agra Division.

Sir,

Nynsee Tal, 15 May 1854.

Judicial Department.

I AM directed to acknowledge the receipt of your letter dated the 26th ultimo, No. 53, with enclosures requesting sanction to the dismissal of Ramnarain, deputy magistrate of pergunnah Lucknah, zillah Etawah.

2. In reply, I am desired to remark that the circumstances stated in the correspondence are such as fully to warrant your order for the dismissal of Ramnarain, tehsildar and deputy magistrate, and that order is approved and confirmed accordingly.

3. The enclosures of your letter are returned, copies having been retained for record.

I have, &c.

(signed) *W. Muir*, Secretary to the Government,
North-Western Provinces.

EXTRACT Judicial Letter to India, dated 2 July (No. 30) 1856.

66. IT appears to be almost certain that these prisoners* were tortured by the police, and that Ram Narain the tehsildar, and Syad Wagoolooddeen the thanadar, were privy to it. Both these officers were dismissed; but as Mr. Unwin, the Commissioner, appears to have been satisfied of their guilt, they as well as the police, ought to have been put upon their trial, and if convicted, severely

* Criminal Narrative, dated 13 March (No. 5) 1855.—(256.) Dismissal of Ram Narain, deputy magistrate, for illegal detention of two prisoners in connexion with the murder of one Dussola. Petition for re-instatement rejected.

severely punished. It is the duty of the Government to prosecute in all such cases when the nature of the evidence is such as to hold out a probability of conviction, and if this is the case in the present instance, these persons should even now be apprehended.

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— No. 2. —

MISCONDUCT OF BASUT ALLY.

EXTRACT from Judicial Criminal Narrative, North-Western Provinces,
dated 11 June (No. 7) 1855.

EXTRACT para. 207 The Lieutenant-governor at the same time requested the Commissioner* to furnish, with the least possible delay, a report on the proceedings connected with Basut Ally's conduct in having been directly concerned in concealing the occurrence of a case of very aggravated manslaughter committed by his own personal or official dependents, and in preparing, with that object, a false return as to the character of the occurrence. A similar report was also required in regard to the peshcar Mahomed Jawud, who had been implicated in the same disgraceful breach of duty. The inquiries instituted, in compliance with the above orders, showed that the tehsildar and peshcar had exercised a greater degree of personal interference in the case of manslaughter, referred to, than had at first been supposed. Both officers were accordingly, by order of his Honour, removed from the posts they held. As the charge against Ba-ut Ally was fully proved, he was considered unfit for any further service under Government. But as no direct interference was found on the part of the peshcar, his Honor so far acceded to the Commissioner's and magistrate's joint recommendation for indulgence to him, as not to interdict his continuance in any office under Government, the duty of which might be merely ministerial.

* Benares Division.

EXTRACT Judicial (Criminal) Proceedings, North-Western Provinces,
dated 5 August 1854.

(No. 57.)

No. 59.

LETTER from *W. M'Chlery*, Esq., Officiating Magistrate, Azim Ghur, to
H. C. Tucker, Esq., Superintendent of Police, Fifth Division, Benares.

Sir,

Azimghur, 22 July 1854.

I HAVE the honour to bring to your notice the conduct of Basut Ally, deputy magistrate and tehseeldar of Mahool, in a case of homicide, which occurred in Mahool pergunnah, in the latter end of May.

2. The circumstances of the case are briefly these. A zemindar of village Humzapore, about two miles from Mahool, had obtained a summary decree for arrears of rent against one of his assamees Zeaoo Khan, of a neighbouring village, and for the purpose of executing his decree, sent his karinda to tehseeldar to request that a peon might accompany him. To this the tehseeldar complied, at the same time very improperly deputed a private servant of his own, by name Shorab.

3. They (the karindah of the zemindar, the tehseeldaree peon, and Shorab, the private servant of the tehseeldar), proceeded to the village with the gorait, who pointed out the defaulter Zeaoo Khan. On his refusing payment, they tied him up to a tree near the village, and on the defaulter declining to giving some pice to Shorab, was kicked by him, and received several severe blows from the above Shorab, as well as from the other two, who were in company, from the effects of which the poor man died that same night.

4. Notice was given at the thanah, after the death of the defaulter, that he had died of cholera, and the acting thanadar, contrary to the usual custom on a simple case of cholera being reported, proceeded to the village with the mohurirs to investigate the case. On his arrival, finding that the deceased had

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died from the blows inflicted on him by the three persons above named, among one of whom was the private servant of the tehseeldar, he wrote to the tehseeldar, who sent an influential zemindar, by name Khyroollah, who has been notorious during my time of office in this district for being mixed up in criminal cases, and has been previously punished. The thanadar, with the connivance of the above zemindar, and the agent of the decree-holder, succeeded in pacifying the relative of the deceased with money and a grant of land. The thanadar returned to the thana with the police, and the case was only reported as one of cholera. I at once suspected the case, after reading the report of the thanadar, as the circumstances of several men being deputed to serve a decree on the deceased, who was said to have died from cholera immediately after the process was served, were sufficient to create suspicion; I sent for the heirs of the deceased for the purpose of taking their deposition, and having learnt by accident the facts of the case from a conversation with one of my police officers, I deputed Ally Khan, tehseeldar of Koelsa, whose investigation satisfied me of the merit of the case, and the prisoners, five in number, viz., the agent and kharindah of the zemindar, Khyroollah, the zemindar, who acted on the part of the tehseeldar, the tehseeldary peon, and the private servant of the tehseeldar, were committed by me to the sessions, and resulted in the conviction of all.

5. It is clear that the tehseeldar, Basut Ally, at whose instigation this crime was concealed, is not competent to exercise the powers of a deputy magistrate, as he has proved himself on previous occasions untrustworthy, and I would refer you to my annual police report of last year, where his conduct was most reprehensible in a case of murder, which occurred about a koss from Mahool last July.

6. It seems incredible that an officer of some years experience, for such a trifling irregularity (for the fact of his sending a private servant to serve the process cannot be regarded as much more), should connive at concealing a crime which must have come to the notice of the authorities, and should so recklessly run the risk of detection. The tehseeldar, in this instance, is the more culpable, as the acting thanadar had been appointed to officiate for a short time at his recommendation, and for whom he ought to have been responsible, instead of deputing him to cook the case and distort the facts.

7. I would therefore request your orders in this case, suggesting that this officer, whose conduct is now under review, should be divested of the powers of deputy magistrate, and sent on a reduced salary to Deagaon, in the place of Sahib Ally, who has procured his pension from Government; should you deem the above punishment sufficient, I would recommend that the tehseeldar of Secunderapore (whose health has been much impaired at Nuzra, and whose services from such a cause I should be very sorry to lose), should he be transferred to Mahool on the established salary of 125 rupees a month, and be invested with the powers of deputy magistrate, which he is well qualified to exercise.

8. I know of no officer in this district whom I could recommend as tehseeldar of Nuzra in the place of Mahommed Shuffee, but I have applied to the Collector of Goruckpore regarding the capabilities and qualifications of Mehdeool-zumah, whom he pronounces to be an able officer and well up to the work. I should have preferred giving him a trial in a pergunnah nearer the Sudder station, where he would be looked after during his probation; but as I am aware you are averse to changes I have not suggested any further transfers.

9. I am averse to changes myself, but when such an opportunity offers, and now that my successor is soon expected, I should be supposed to know more of the capabilities of the native district officers, after a long experience than a newly appointed collector, and this is my reason for offering the above suggestions before being relieved of the charge of the district.

10. I herewith forward a copy of the remarks of the sessions judge on the conduct of the tehseeldar, by which you will also see that the conduct of the peshkar Mohomed Jaured is also called in question, and from the evidence there

is little doubt that he exerted himself in aiding the tehseeldar to conceal the facts of the case.

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I have, &c.
(signed) *W. M. Chlery*,
Azimgurh Magistracy, 22 July 1854. Officiating Magistrate.

EXTRACT Judicial Letter to India; dated 12 November (No. 47) 1856.

137. WE are glad that the persons implicated in this atrocious case have been convicted and punished.* The servants of Government who were concerned in the suppression of the facts were most properly removed from office. We think that the dismissal of Basut Alee was an insufficient punishment, and that an interdict against his re-employment should have been duly notified in the Gazette.

— No. 3. —

DEATH OF TWO CHUMARS FROM VIOLENCE.

EXTRACT Judicial (Criminal) Narrative, North-Western Provinces; dated 18 August (No. 9) 1855.

Benares Division; Azimgurh District.

207. A REPORT, with his remarks thereon, was received from the Commissioner, on the death of two chumars, in consequence of illegal violence inflicted on them by the thanah establishment, with the view of extorting confessions, as it was suspected that the deceased possessed white arsenic for poisoning cattle for the sake of the hides (see paras. 200 and 201 of this narrative). Homicide of two
Chumars who were
subjected to illegal
violence by the
thana establish-
ment.

208. It seemed that Deehul Chumar, seized by Roshum Ally, thanadar of Beluriagunge, on suspicion, was willing to confess, but the thanadar insisting on his producing some of the poison, his arms were tied behind him, and he was half suspended from a tree and expired in about six hours. The thanadar immediately sent in the corpse, and admitted the tying to a tree, but declared the deceased had swallowed the arsenic instead of producing it. The medical officer, on examination, found this assertion to be false; the intestines were totally empty; there were no marks of beating or anything of that kind, but there were marks on the arms as of ropes tightly tied; and it appeared that the deceased had a short time previously been ill, and, being seized in the morning, with a totally empty stomach, sunk under the illegal duress by 2 p.m. Mr. Bax was immediately deputed to make strict investigation on the spot. The thanadar was committed to prison, and convicted of culpable homicide, and sentenced to three years' imprisonment.

209. In the second case, upwards of a seer and a half of white arsenic had been found on some chumars in the thanah of Bheenpoorah; their statement so far implicated Kodye Chumar, of thanah Secunderpore, that a requisition was sent, to have his house searched. This was done, but no poison was found; Kodye

* Criminal Narrative, dated 11th June (No. 7) 1855.—(207.) Consideration of the Commissioner's recommendation for the grant of deputy magistrate's powers to the tehseeldar of Massool appointed on the removal of Basut Ally, tehsildar, and Mahomed Jawud, peshkar. It appears that a servant of the tehsildar accompanied a zemindar to enforce a decree for arrears of rent, together with the tehsildar's peon, whose duty it was to see to the execution of the decree. The defaulter who was unable to pay having been tied to a tree and severely beaten, his death ensued in consequence of the injuries he received. On the tehsildar's being informed that his servant was the party chiefly implicated, he sent a thanadar, appointed by his recommendation, to report on the death, which was returned as one from cholera. On investigation all the parties implicated in the ill-usage were committed for trial and convicted. The case of Basut Alee being brought to the Lieutenant-governor's notice, further investigation was ordered, which, though no legal proof was obtained, greatly strengthened suspicion of complicity against the tehsildar and his peshkar. They were removed from office and the re-employment of the former interdicted.

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Kodye denied all complicity, and the charge, as against him, fell to the ground. In spite of this, Mahomed Allee mohurrir, the acting thanadar, two days afterwards, went a second time to his house, seized him, and insisted on his producing arsenic. It appeared that for some time the mohurrer and burkundauzes beat him with sticks until he fainted, and died on his way to the thanah.

EXTRACT from the Proceedings of the Honourable the Lieutenant-Governor of the North-Western Provinces in the Criminal Branch of the Judicial Department; under date 30 December 1854.

(No. 171.)

No. 438.

LETTER from *H. C. Tucker*, Esq., Commissioner Fifth Division, to *W. Muir*, Esq., Secretary to Government, North-Western Provinces.

Sir,

It is with deep regret I submit the two accompanying reports (No. 114 and 115), dated 9th instant, from the magistrate of Azimgurh, relative to the death, by illegal duress, on the part of two thannadars, of two chumars, supposed to be in possession of white arsenic for poisoning cattle.

2. In the first case mentioned in report No. 114, four prisoners confessed to having received arsenic from Deehull; he was seized by Roshun Alee, thanadar of Beluriagunje, and was willing to confess, but the thanadar insisting on his producing some of the poison, his arms were tied behind him, and he was half suspended from a tree, and expired in about six hours. The thanadar immediately sent in the corpse, and admitted the tying to a tree; but declared the deceased had swallowed the arsenic instead of producing it. The medical officer, on examination, found this assertion to be false. The intestines were totally empty; there were no marks of beating, or anything of that kind; but there were marks on the arms, as of ropes tightly tied: and it would appear that the deceased having been recently ill, and being seized in the morning with a totally empty stomach, sunk under the illegal duress of the thannadar by 2 p.m. Mr. Bax was immediately deputed to make strict investigation on the spot; the thannadar was committed to the sessions, and has been convicted of culpable homicide, and sentenced to three years' imprisonment.

3. The other case does not possess the same extenuating circumstances of the prisoner's confession, immediate report of death and duress, and apparent absence of actual beating. Upwards of a seer and a half of white arsenic having been found on some Chumars in the adjoining thanna of Bheempoora, their statements so far implicated Kodye Chumar, of thanna Sekunderpoor, that a requisition was sent to have his house re-searched. This was done, but no poison was found. Kodye denied all complicity, and the charge as against him fell to the ground. In spite of this, Mahomed Alee, mohurrer, the acting thannadar, two days afterwards went a second time to his house, seized him, and insisted on his producing arsenic. It appears that for some hours the mohurrer and burkundazes beat him with sticks until he fainted, and died on his way to the thanna. The mohurrer then got up a case as of accidental death by falling from a tree; he reported accordingly, and made away with the corpse. On the return of the thannadar, who was on bad terms with the mohurrer, he discovered and reported the true state of the case, which was proved on local investigation by the acting tehseeldar. Mr. Campbell is displeased with the tehseeldar's not having put himself more prominently forward, but it has not been customary for tehseeldars to act in the first instance as darogahs, the thanadar being present, but rather to superintend the investigations of the latter officer, and countersign the evidence, &c., &c. Mehn-deeoll Zuman, is not a bright or active man, and I have doubts as to his fitness for a tehseeldarree, but I do not consider him actually to blame in the present instance. Had he believed it to be his duty he would have been only too glad to take the credit of the case. Mr. Campbell is desirous of a local investigation by a European officer, before committing the acting thanadar and his accomplices to the sessions, and I think he is right.

4. These two deaths are very lamentable; but it is very difficult to prevent native police officers running amuck as it were, when they think they know a course

course of conduct which will display their zeal and intelligence, and ingratiate them with their superiors. Upwards of 700 persons had been seized for cattle poisoning; it was known that Mr. Campbell was very anxious to ferret out all the criminals, and that orders had been received from Government to "root out thoroughly a system so hurtful to the property and interests of the agricultural community." The police were, therefore, all on the *qui vive*, and Roshun Allee, who had been previously fined for remissness, and Mahomed Allee, who wished to illustrate his acting appointment, carried their duress to a point which either directly caused or else accelerated the death of their unfortunate victims. The speedy commitment and punishment of Roshun Ali will show that the European officers will not encourage such practices; and if the punishment of Mahomed Ali be such as he richly deserves, it will be a most useful warning to the police of the district and its neighbourhood.

5. The absence on leave of Mr. M'Chlery, joint magistrate, has greatly fettered Mr. Campbell's powers of locomotion and personal supervision, but I can bear witness to his earnest desire to have the heavy subject of cattle-poisoning investigated in the most regular, fair, and proper manner.

I have, &c.

(signed) H. C. Tucker,
Commissioner.

Commissioner's Office, 5th Division, Camp Byreea,
Zillah Goruckpore, 11 December 1854.

EXTRACT Judicial Letter to India; dated 4 February (No. 13) 1857.

141. IN both these cases* the native officer in charge of the thannah having received information of the possession of poison by the deceased persons, resorted to illegal violence of a description so severe as to result in death, with a view to extort it from them. Both the cases occurred, though at different thannahs on the same day, and the chief defendants being in both cases committed for culpable homicide were punished in the former by three, in the latter by seven years' imprisonment. We perceive from the correspondence forwarded with paragraph 11 of the present narrative, that the Sudder Court consider the sentences in both cases as totally inadequate, and that the defendants ought to have been committed for the higher crime of murder; in this opinion we entirely concur. The necessity of effectually putting down the practice of torture or violence by officers of police by punishing with great severity all who are convicted of the crime, whether the result be fatal or otherwise, cannot be too strongly impressed upon the judicial authorities. In the event of the death of the sufferer being the consequence of such atrocities, the crime is murder, and it should be punished accordingly.

142. We have already remarked that the sentences in both cases were far too lenient. In the first case the sentence being below five years' imprisonment, the defendant was entitled by law to have labour commuted to a fine; but in the second we think that labour should have been added to the tannahdar's imprisonment.

143. In all such cases as are here brought to our notice, labour should, we think, form part of the sentence, and the punishment be of such severity as will effectually operate as an example, and serve to deter our police officers from the Asiatic custom of coercion of their prisoners by the employment of most unwarrantable means.

144. The executive government cannot prescribe to the criminal courts the sentences to be passed in trials which may come before them. It is, however, perfectly competent to you to remark upon the sentences passed by them, and
should

* (207 to 212).—Death of two Chumars by the illegal violence of the tannah establishment, with the view of extorting arsenic, which they were suspected of possessing for the purpose of cattle poisoning. The thanadar, in the first case, was sentenced to three years' imprisonment, and in the second case, to seven years' imprisonment. The Lieutenant-governor directed the Sudder Court to call for and revise the proceedings in the latter case in connexion with the former, previously referred to them. Their report on both is transmitted in para. 11 of this narrative.

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should the courts continue a course of inadequate punishment in cases of torture for the purpose of extorting confessions, it will be for the legislature to interfere by the enactment of a law prescribing a minimum punishment for such offences.

— No. 4. —

MEASURES FOR REPRESSION OF TORTURE.

EXTRACT from Judicial Criminal Narrative, North-Western Provinces ; dated
11 January (No. 2) 1856.

Correspondence
regarding the re-
pression of torture
and violence used
by the police in
extorting confes-
sions.

Para. 3. THE Lieutenant-governor forwarded to the Nizamut Adawlut copy of a circular issued by the Judicial Commissioner in the Punjaub on the repression of the practice of torture or violence on the part of police officers. His Honor observed, that the extreme frequency of confessions recorded before police officers and magistrates in India, and retracted on the subsequent trial before the sessions court, had often excited attention, and repeated orders had been issued by the Government and by the Sudder Court, in order to provide stringent checks against any abuses in the obtaining of such confessions. In a circular very recently published by the Court, special precautions of a very useful and practical kind had been required to be observed in taking down of confessions when made by prisoners before the magistrates. The true remedy, his Honor observed, against malpractices of all kinds on the part of police officers must be in the energy and vigilance of the district magistrates, and in their firm determination to put down every habit of laxity or oppression. A mere engagement from these officers to abstain from what they already well know to be an absolutely prohibited and criminal act, might not in itself appear likely to give much additional security ; but the requisition of such a special paper might also on the other hand serve to mark the earnest attention with which the Government regards the subject, and the measure might therefore be found to be attended with some degree of beneficial effect. The Court were requested to procure the opinions of the several Commissioners of Divisions, and to report them with their own sentiments, on the expediency of directing the execution of a bond to the effect stated, by all superior police officers in these provinces. His Honor intimated, that a copy of this letter would be forwarded to the Chief Commissioner in the Punjaub, with a request to favour this Government with a full copy of the circular in question, including the prescribed form of bond, and all its other appendices ; and a copy of this letter should also be eventually communicated to all magistrates, so as to aid in maintaining their utmost effort to secure justice and purity of administration in their several districts, while the Court were expected, in every instance coming under their notice judicially, to apportion the sentence to the highly grave character of the offence. His Honor finally begged to be furnished with a statement of the number of cases in which police officers of any grade had been convicted or sentenced in each district for acts of violence of whatever degree in the course of judicial investigations since the 1st January 1853. A copy of the above communication was forwarded to the Secretary Chief Commissioner, Punjaub, with a request on the part of the Lieutenant-governor to be supplied with a full copy of a circular, with a bond and appendices, as above stated. The circular above alluded to, complete with all appendices, was subsequently received from the Punjaub Government, and forwarded to the Sudder Court, in continuation of former correspondence. In connexion with this subject, the Nizamut Adawlut forwarded copy of a circular issued by them to all magistrates, requesting them to furnish a statement of the number of cases in which police officers had been convicted or sentenced for acts of violence committed in the course of judicial investigations from January 1853 to June 1855, including cases in which sentences were passed by sessions courts. The Court issued a further circular to all superintendents of police and Commissioners of Divisions, requesting their opinion as to the expediency of introducing into these provinces a measure for the repression of torture by police officers.

EXTRACT

EXTRACT from Judicial Criminal Narrative, North-Western Provinces; dated
10 March (No. 5) 1856.

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Para. 8. WITH reference to former correspondence, the Court submitted their sentiments, accompanied by an abstract of the opinions of the several Commissioners and superintendents of police, on the subject of introducing special measures for the repression of the practice of torture on the part of police officers. On a full consideration of the matter, his Honor was of opinion with the Court, and the majority of the authorities consulted, that it would be desirable and proper to take from superior police officers, such as thannadars and first-class jemadars, on their appointment to their offices, an engagement, specifically promising to abstain from all acts of torture or illegal violence in the performance of their duty. Coinciding with the suggestion of the Court, his Honor also considered that this engagement might, too, with advantage, be extended so as distinctly to bind such officers to refrain from other prohibited acts of specially grave misconduct or impropriety. The issue of the order to this effect was, however, reserved until the completion and distribution of the new edition of the Darogah's Manual, then in course of preparation, under the immediate superintendence of Mr. Dashwood, the officiating register to the Court. In furtherance of the proposition of the Court to publish in a pamphlet form, a compendious collection of the several laws and orders which have been from time to time enacted and promulgated for regulating the procedure in regard to suspected or apprehended parties, his Honor observed, that a separate section or chapter in the manual might conveniently be devoted to the purpose. A circular was issued to the magisterial officers, transmitting copy of the present correspondence, and drawing pointedly to their notice the very just and pertinent observations of the Court, demonstrating the inutility of requiring any bond from the police officers unless the magisterial authorities were careful to temper with discretion the punishment of their subordinates, in cases of failure in detecting crime. Proved instances of misconduct or neglect of duty, the Court observed, should be met with prompt punishment, but to have recourse to the often-adopted practice of censuring, threatening, suspending, or superseding by fresh agency police officers who may have been unsuccessful in searching out and exposing crime, would be to enhance those evils which Government is most anxious to eradicate. The Court, intimating their having, in concurrence with the Presidency Court, resolved upon the rescission of Construction 1167, considering commonly that the detention of a prisoner more than 48 hours (which that Construction left discretionary with the magistrates) in the custody of the police, either at the thanna or elsewhere, was not warranted by the imperative terms of clause 16, section 19, Regulation XX. of 1817, and was therefore illegal, and had, the Court stated, been much and habitually abused in practice. His Honor did not doubt that the measure would have a very beneficial effect, and added that measures were in active progress, and had indeed been completed in many districts of these provinces, for securing an important increase to the pay of thannadars, and other higher grades of the police, through the operation of which he trusted that a more trustworthy police agency would ultimately be generally introduced.

Regarding the expediency of introducing special measures for the repression of the practice of torture on the part of the police.

9. The Court submitted, for the information of Government, copy of a circular issued by them to criminal authorities in the North-Western Provinces, notifying the rescission of Construction 1167, which vested a magistrate with discretionary power to authorise the detention at the thanna of persons charged with criminal offences beyond the period specified in section 19, Regulation XX. of 1817.

EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

36. THE papers of this collection bring to our notice certain measures which have been adopted under the instructions of the Lieutenant-governor for the repression of the practice of torture on the part of the officers of police.

Criminal Narrative, dated 11 January
(No. 2) 1856.

(3, and paras. 8 and 9 of the Narrative for the 4th quarter of 1855.)--
Correspondence regarding the repression of torture and violence used by the police in extorting confessions.

37. It appears that the principal police officers in the Punjab are required to subscribe a declaration that they will abstain from all attempts at extorting confessions from persons charged

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with crimes. The Lieutenant-governor of the North-Western Provinces has, after communicating with the Sudder Court, and through them with the Commissioners of Divisions, resolved that superior police officers, such as tannahdars and first class jemadars, shall subscribe a similar declaration on their appointment to office, and shall further bind themselves "to refrain from other prohibited acts of specially grave misconduct or impropriety."

38. We think it probable that the general introduction of a rule requiring the principal police officers to subscribe a declaration, on taking office, of the nature of that which is in use in the Punjab, will be attended with beneficial results. It will indicate the mind of the Government as to the practice of torture, and serve to convince the police officers of its desire and determination to eradicate the evil. We fear, however, that the addition made by the Lieutenant-governor in regard to "other prohibited acts of specially grave misconduct or impropriety," deprives the declaration of any force it might otherwise have had, by putting a resort to torture on a level with other acts which, however culpable, are of a lower grade of guilt. The subject of torture is one which should be dealt with by itself, and for this reason we consider the form of declaration in use in the Punjab to be preferable to that prescribed by the Lieutenant-governor of the North-Western Provinces; at the same time it appears to us an objectionable principle to make any particular class of officers declare that they will abstain from "prohibited acts." Other officers, from whom that declaration is not taken, may suppose that they are not required to abstain from such acts. We are of opinion, that a preferable course would be to take from every police officer a declaration that he is aware that the infliction of torture of any kind, or for any purpose, is prohibited, and that a breach of the prohibition will be visited with prompt and severe punishment, in addition to the loss of appointment.

39. We would again refer you to our despatch to the Bombay Government, dated 5th March 1856, a copy of which was forwarded to you in our despatch of the same date (No. 11), in which it was suggested that darogahs of police should henceforth be directed to abstain from receiving and recording confessions.

40. We entirely approve of the suggestion to devote a separate section of the Darogha's Manual, proposed to be issued to the police officers, to a compendious collection of the several laws and orders which have from time to time been enacted or published for regulating the procedure in regard to suspected or apprehended parties. We trust, however, that that procedure will shortly be greatly modified by the imposition of the restrictions referred to upon the police officers in regard to the examination of persons charged with crimes. The publication of the joint opinion of the Presidency and Agra Sudder Courts, as to the absolute illegality of the detention in the mofussil, by the police, of accused persons beyond 48 hours, will no doubt exercise a very beneficial effect, as will also the measures adverted to by the Lieutenant-governor, as in actual progress, for raising the pay of the higher officers of police, and thereby securing a better and more trustworthy agency in that department.

41. We approve of the orders of the Lieutenant-governor directing the circulation of the correspondence on this subject to the magisterial authorities. We hope to have no further occasion for repeating orders upon the subject of torture, but that prompt and peremptory dismissals of the offenders, and the unerring infliction of punishment, will entirely eradicate its use.

— No. 5. —

CASE BY SHEOBULUK, DAROGAH OF SULEEMPORE

EXTRACT Agra Judicial Narrative (North Western Provinces, Third Quarter of 1855); dated 11 January (No. 2) 1856.

5. THE Nizamut Adawlut forwarded to Government copy of a correspondence which had passed between the Court and the district officers of Goruckpore, relative to a case of proved maltreatment on the part of the police of that district,

district, on the person of a prisoner named Sheobuluk, subsequently sentenced by the sessions judge to five years' imprisonment with labour in irons, on conviction of burglary. The remarks of the sessions judge on that conviction, and the minute of the senior judge of the Sudder Court, Mr. A. W. Begbie, on the case, in which the other judges fully concurred, were also submitted. It appeared from the report of the civil surgeon that Sheobuluk had received injuries on the right knee and left wrist, both of which limbs were likely to be crippled for life, and that he had been subjected to this torture at thanna Saleempore in order to the extortion of the confession which he there made. The sessions judge referred the case to the Sudder Court, and, in reply, was directed to institute an immediate inquiry, to be conducted by the magistrate or joint magistrate in person, with a view to the arraignment of the party who had inflicted the torture. From the remarks recorded by the joint magistrate, it appeared that the torture consisted of tying up the toes of the prisoner Sheobuluk to his neck, and in that state beating him severely on the knee-joint of one leg, and the wrist-joint of one of his hands, so as to cause inflammation of the tendons around those joints; the result of which was that both those limbs were likely to be crippled for life. It appeared from the reply of the sessions judge to the Court that the joint magistrate had dismissed the naib darogah, convicting him on the two following accounts:—

1. Directing and superintending cruel treatment to procure confession; and
2. Permitting cruel treatment of a prisoner under his immediate care and custody; and had further convicted one Sheo Suhae, who, though not a police officer, was the party who inflicted the torture, and sentenced him to six months' imprisonment with labour in irons, and a fine of 100 rupees. It appeared, that on the report to the thanna at Saleempore of one Rattun, complaining of his father's house having been robbed of 400 rupees, the houses of Muhungoo and Sheobuluk were searched, and those men apprehended. They confessed to having committed the robbery in company with one Bodee, who was also apprehended, and they all delivered up a portion of the stolen money. These confessions, made at the thanna, and before the joint magistrate, added to the evidence of the witnesses to the identity of the recovered property, and other corroborative evidence, induced the sessions judge to convict the prisoners of the crimes charged against them, and to sentence them each to five years' imprisonment, with labour in irons. In his minute on the case, Mr. Begbie recommended that the prisoner, Sheobuluk, should be at once released, in consideration of the cruel treatment to which he had been subjected by the naib darogah. The confessions extorted from him were believed to be true, as portions of the stolen property and money were found in his house and given up by him, besides other corroborative evidence; but Mr. Begbie proposed to apply to Government for the pardon of Sheobuluk on personal and not judicial grounds. He added, that he could not dismiss the case without expressing his opinion that the joint magistrate had not sufficiently punished the naib darogah by simply dismissing him, and thought he should be committed to take his trial before the sessions court. In reply, the Lieutenant-governor entirely concurred in the view of the case taken by the Court, and was pleased accordingly to pardon and sanction the release of the prisoner Sheobuluk. The Commissioner of Benares was furnished with a copy of the Court's letter, and of Mr. Begbie's minute, and instructed to direct the magistrate of Goruckpore to institute immediate prosecution, if adequate proof of his misconduct should be forthcoming, against the naib darogah, or thannadar, and to report at once for the orders of the Lieutenant-governor, why this obviously right and necessary course was not adopted in the first instance. Mr. Tucker subsequently reported, that he had instructed the magistrate of Goruckpore to proceed against the naib darogah without delay, and enclosed copies of the instructions which he had issued on the subject, and which his Honor entirely approved. Another communication was received shortly after from the same officer, intimating that there was not sufficient proof for the commitment of Oodey Khan Singh, the thannahdar in question, to the sessions, but that a declaration by Government of his incapacity to serve Government again, would have a better effect than running the chances of a commitment on insufficient evidence. In reply, his Honor forwarded to Mr. Tucker a copy of a notification declaring Oodey Khan Singh incapacitated for future service under Government.

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EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

Criminal Narrative, dated 11 January
(No. 2) 1856.

(5.) Case of mal-treatment and
torture inflicted on one Sheobalak, by
the naib darogah of Saleempore, in
Zillah Goruckpore.

43. THE injured party, Sheobalak, was arrested, with some others, on a charge of burglary, and on conviction by the sessions court, sentenced to imprisonment for a period of five years, with labour in irons. He had made a confession at the tannah, but there appears to have been evidence to warrant his conviction, independently of such confession.

44. On his arrival at the head station of the district, the prisoner Sheobalak was admitted into the gaol hospital, the cause of his admission being, as stated by the civil surgeon, the severe nature of the injuries under which he was suffering. "The principal injuries he has received," adds the surgeon, "are in the right knee and left wrist, both of which limbs are likely to be crippled for life." The prisoner stated to the surgeon that the injuries had been inflicted at the tannah, for the purpose of extorting a confession from him. That there was no immediate judicial inquiry into the circumstances which led to this crippled condition of the prisoner, indicates, as far as we can gather from the papers of the collection, a striking failure of duty on the part of Mr. Paterson, the officiating magistrate, to which we shall again refer in the sequel. The matter having been brought by the session judge to the notice of the Sudder Court, inquiry was ordered, and was conducted by the officiating magistrate, who reported that he had sentenced the person who actually inflicted the beating on the prisoner, to six months' imprisonment, and that having convicted the naib darogha of directing and superintending cruel treatment of a prisoner, in order to procure a confession, he had dismissed him from his office.

45. The proceedings on the inquiry having been reported to the Sudder Court, were first laid before Mr. Begbie, who very properly remarked that "the offence of which the naib darogha had been convicted was of so grave a character, that the perpetrator should have been committed to take his trial before the session court." He proposed to address the Government with the view of having the naib darogha declared incapable of again serving Government in any capacity whatever, and of procuring for the prisoner Sheobalak a remission of the sentence passed upon him by the session court. The other judges of the Sudder Court concurred in the view of the case taken by Mr. Begbie.

46. The recommendation of the Court in favour of the prisoner was acceded to by the Lieutenant-governor, and he was pardoned. Of this measure we entirely approve.

47. The Lieutenant-governor further issued instructions, through the Commissioner, directing the magistrate to institute an immediate prosecution, if adequate proof of misconduct should be forthcoming, against the naib darogha, and to report at once why this obviously right and necessary course was not adopted in the first instance.

48. The explanation on the last-mentioned point, as given in the words of the Commissioner, Mr. H. C. Tucker, is as follows: "Mr. Paterson taking the tannahdar's previous character and services into consideration, considered that dismissal was a sufficient punishment for the guilt proved against him, and in this I concurred."

49. In regard to the further prosecution, it was stated that there was not a sufficiency of legal evidence to warrant the commitment of the naib darogha.

50. It is alleged that the prisoner Sheobalak was ill-treated on two separate occasions; on the first, by the roadside as he was being conveyed to the tannah, where the maltreatment was not severe; the other at the tannah, where the injuries were inflicted which resulted in his being crippled for life. The officiating magistrate was of opinion that the naib darogha was convicted of having personally directed the beating on the first occasion, but that in regard to the maltreatment at the tannah, the evidence as it affected that individual was considerably at fault. In no other way than on the ground of his acquittal of the graver charge, added to the lamentable degree of indifference with which some district officers have been in the habit of regarding the assumption

assumption of improper authority by their subordinates, can we account for the opinion of the Commissioner and the officiating magistrate that the naib darogha was sufficiently punished by dismissal from office.

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51. We have not the evidence before us, and are therefore unable to pronounce a decided opinion as to its sufficiency or otherwise to warrant the commitment for trial of the naib darogha; but judging from the papers of the collection, we think that the magistrate would have exercised a much sounder discretion had he sent the case for trial before a superior court. There was the evidence to the previous beating on the roadside under the immediate direction of the naib darogha; there was the legally admissible evidence of the injured man and his associates in crime to the subsequent maltreatment at the tannah, which was under the charge of the same naib darogha; and there was the evidence of the civil surgeon to the nature of the injuries, and of course to the fact of injury having been inflicted. It appears to us that whatever might have been the result of the trial, there was ample ground for commitment, with good prospect of a conviction.

52. That the evidence was not so complete as it might have been we think very probable. It is still more probable that it would have been more complete had the case been promptly investigated. This is a point to which the attention of the Lieutenant-governor and of the Sudder Court has not been sufficiently directed. A prisoner is sent in by the police bearing upon his person the marks of injuries recently inflicted, which result in making him a cripple for life, and yet no inquiry as to the cause of those injuries is made until after the prisoner has been tried before the session court. We desire that the magistrate may be called upon for an explanation of this very serious omission. We do not think it necessary at this distance of time to direct the farther prosecution of the case against the naib darogha, especially as a notification declaring him incapacitated for future service under the Government (which in the event of a prosecution should have followed instead of preceding the trial) has been promulgated by an order of the Lieutenant-governor.

— No. 6. —

BY OFFICERS OF THE DACOITEE DEPARTMENT.

EXTRA Agra Judicial Narrative (North-Western Provinces, Third Quarter of 1855); dated 11 January (No. 2) 1856.

46. THE Commissioner, Saugor and Nerbudda Territories, forwarded correspondence relating to a case of torture which had occurred in the Jubbulpore district, the offenders being approvers of the Thuggee department. The facts of the case, as stated by that officer, were briefly these: In December 1854, a dacoity occurred in the above district, and Major Sleeman, general superintendent for the suppression of dacoity, sent a party of his establishment to co-operate with the magistrate and police in tracing the dacoits. The magistrate, Captain Pinkney, had been previously on the spot, and had released the suspected, but the thuggee party again apprehended them, and among them two brothers, Nirmud and Sheoraj, whom they confined and maltreated. Nirmud died of the blows and other tortures to which he had been subjected. Ameer Khan, the duffadar, and Ameer Ali, the mohurrir, of Major Sleeman's party, were found guilty by the sessions judge (copy of whose letter to the Sudder Nizamut Adawlut was submitted) of the culpable homicide of Nirmud, and sentenced each by the Court to 14 years' imprisonment, with labour, while Baldeo, a nujeeb of the same party, had been convicted and punished for maltreating Omrao. The Court's judgment on the case was submitted for the information of the Lieutenant-governor. The inquiry into the misconduct of the thuggee officials was commenced by Major Sleeman; but at the request of Captain Pinkney, the former at once made over the case to the latter. The question of the relative jurisdictions of these two officers in the case was adverted to in the letter of the sessions judge, and commented upon by the

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Sudder Court, who intended to take up the question at an early date, with a view to the issue of some general instructions, so as to remove all doubt, and prevent collision between the two departments; though in the present instance, owing to the right feeling and good sense of the officers employed in the investigation, nothing of the kind had occurred. In consequence of the above, his Honor addressed a letter to Major Sleeman, forwarding copies of the entire correspondence above noticed, and requesting him to state under what rules subordinate officers, with approvers from the Thuggee department, were sent out to act in co-operation with the district police on occasions like that now brought under notice. The Lieutenant-governor had understood that they were deputed only to supply information to the district authorities, and not with any permission to exercise independent powers. The occurrence of this present lamentable case, his Honor observed, proved how indispensable it was to reconsider the whole system of checks at present established, in order to provide against the probable hazard of abuse or violence by the approver parties. One of the entries, his Honor added, in the evidence, marked also that it was important to prevent as far as possible the employment of parties related to each other in the office of the superintendent for the suppression of dacoity, and in the subordinate executive establishments.

EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

Criminal Narrative, dated 11 January
(No. 2) 1856.

Thuggee and Dacoitee.--(46, and
para. 253 of the Narrative for 4th
quarter of 1855.)—Case of torture
and culpable homicide by officers of
the Thuggee and Dacoitee depart-
ment.

95. A DACOITY having occurred in the Jubbulpore district, Major Sleeman, general superintendent for the suppression of dacoity, sent a party of his establishment, headed by a duffadar and a mohurrir, to co-operate with the magistrate and police in tracing the dacoits. Previously to their arrival, certain suspected persons had been apprehended, but after inquiry had been released by the magistrate. These were again arrested by the party belonging to Major Sleeman's establishment, some of whom, with a view of extorting a confession, beat and otherwise maltreated one of the persons apprehended, so as to cause his death. The case was very carefully investigated by Captain Pinkney, Deputy Commissioner of Jubbulpore, and the duffadar and mohurrir were convicted of the maltreatment and "culpable homicide" of the deceased by the session judge, who very properly referred the case to the Nizamut Adawlut, by whom the above-mentioned defendants were sentenced each to imprisonment for 14 years, with labour in irons.

96. We trust that this example will have the effect of convincing our native officers that the Government and the courts of justice are resolved to put down the system of torture for the purpose of extorting confessions which so extensively prevails.

EXTRACT Judicial Criminal Narrative, North-Western Provinces; dated
10 March (No. 5) 1856.

* Jubbulpore.

Para. 253. THE Commissioner of these territories recommended the grant of a charitable allowance to the family of Nirmid Bais, in this district,* who met his death by maltreatment from certain native officers of the Thuggee department. From the papers connected with the case it appeared, that certain suspected persons, who had been released by the magistrate of Jubbulpore, were apprehended by a party belonging to the establishment of Major Sleeman, general superintendent for the suppression of dacoitee, from whom one of the apprehended persons, named Nirmid Bais, received blows and other torture, with a view to extort confession; in consequence of which maltreatment he died, leaving a "married" widow, Mussamut Neema, and by her two daughters and a son, all under nine years of age; and also a "dospta" widow, and by her a son and a girl, both under two years of age, who were unprovided for. The correspondence was, by order of the Honourable the Lieutenant-governor, forwarded for the favourable consideration of the Supreme Government. Under the circumstances stated, the Honourable the President in Council was pleased

to

to sanction the grant of a compassionate allowance of four rupees per mensem for the support of the family until the two boys both attained the age of 16 years, and then two rupees a month for the life of Mussamut Neema.

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— No. 7. —

PUNISHMENT OF AHMED HOSSEIN KHAN, FOR CERTAIN ACTS OF TORTURE
ALLEGED TO HAVE BEEN PRACTISED BY HIM.

EXTRACT from Judicial Criminal Narrative, North-Western Provinces,
dated 20 May (No. 9) 1856.

171. IN reply to letter dated 22d December 1855, calling upon the Commissioner for his opinion as to the adequacy of the punishment awarded to Ahmed Hossein Khan, jemadar of Boorhanah, in this district,* for certain acts of torture alleged to have been practised by him, that officer reported that the evidence against the jemadar was not sufficient to prove that he had actually beaten the informers in a case of robbery, and that it was even doubtful whether he had suspended them up by the wrist on trees, for which the magistrate had ordered his suspension for four months. It seemed highly probable that the charge of torture was got up by the party suspected of instigating the robbery in the case referred to.

Regarding adequacy of punishment of a jemadar for acts of torture on his part.
* Moozuffernugger district.

172. Ahmed Hossein Khan had been thrown out of employ on the revision of the police establishment. Under the circumstances reported, the case called for no further notice from Government.

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CHARGES AGAINST MR. BRERETON, LOODIANA DISTRICT.

EXTRACT Political Letter from India ; dated 22 December (No. 67) 1855.

45. THE Chief Commissioner submitted a report of the circumstances under which it was thought necessary to supersede Mr. H. Brereton, in charge of the Loodiana district, and to keep that officer in virtual suspension until the pleasure of Government should be known.

1855.
Cons. 27 April,
Nos. 250 to 256.

46. With reference to the charges laid against Mr. Brereton, the Chief Commissioner stated that the report of the Commissioner of the Cis-Sutlej States had shown "that certain native employes, not holding regular offices, had been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody ; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging both through the Loodiana district and the neighbouring native states. It showed that these men abused their irregular trust in each and all the proceedings above enumerated, and that in many cases they inflicted cruel torture. It showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, houses of wealthy citizens had been causelessly searched ; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods ; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken ; and that the laws relating to security for bad character had been applied with sweeping and indiscriminating severity. Lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police

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officers and informers, whom he employed wherever he went; and that these men had been the main authors of the recent mischief."

47. The Chief Commissioner and all the local authorities considered that these charges had been completely proved. Mr. Brereton himself did not dispute the accuracy of the main facts which had been alleged against him, but he had made a very full statement and explanation in defence of his conduct.

48. The Governor-general (to whom the report was referred for information and orders) observed, that while Mr. Brereton's statement afforded a full explanation of his conduct, it had neither justified nor extenuated that conduct.

49. The Chief Commissioner submitted, that "when great faults are clearly brought home to an officer, some example is called for, to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter."

No. 97.

(No. 126.)

LETTER from *R. Temple*, Esq., Secretary to the Chief Commissioner for the Punjab, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, Foreign Department, Fort William.

Sir,

Judicial Department.

I AM directed by the Chief Commissioner to report, for the information and orders of the most Noble the Governor-general in Council, the circumstances under which it was thought necessary to supersede Mr. H. Brereton in the charge of the Loodiana district, and to keep that officer in virtual suspension, until the pleasure of Government shall be known.

2. During October last, certain vernacular petitions were addressed to the Chief Commissioner by residents of Loodiana, complaining against some proceedings in the criminal department, and inveighing against the conduct and antecedents of some employés of the Deputy Commissioner. These were sent to the Judicial Commissioner, with a request that he would call on the Commissioner, Cis-Sutlej States, for a report, with special reference to the history and qualifications of the employés complained against. Shortly afterwards the Commissioner proceeded to Loodiana to attend the examination, and took that opportunity of inquiring into Mr. Brereton's criminal administration. The result of that inquiry was the transmission of a detailed report, which reached the Chief Commissioner through the Judicial Commissioner, and of which a copy is appended. This report pointed to grave maladministration. It showed that certain native employés, not holding regular offices, had been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodiana district and the neighbouring states. It showed that these men abused their irregular trust in each and all of the proceedings above enumerated; and that in many cases they inflicted cruel torture. It showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, the houses of wealthy citizens had been causelessly searched; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws relating to security for bad character had been applied with sweeping and indiscriminating severity. Lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers whom he employed wherever he went, and that these men had been the main authors of the recent mischief. Such being the substance of the facts alleged, the Chief Commissioner conceived the gravity of the case to be so urgent as to demand prompt interposition. He, therefore, ordered Mr. Brereton to make over charge of his district

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district to another officer, to furnish explanation, and to exercise no public functions pending the orders of Government. Mr. Brereton was delayed by sickness in the preparation of his reply, and on the receipt of this document some references on minor points seemed necessary; the replies to the last of these have only just been received, copies of all the English papers are now submitted herewith. The vernacular papers have been examined by the Chief Commissioner, but it is not thought requisite to forward them.

3. It will in the first place be observed from these papers, that Mr. Brereton, in his defence, does not contradict or rebut the facts as arrayed in the preceding paragraphs. He virtually admits the misconduct of his employés; the house-searching, the delays in criminal trials, the constant employment of certain attachés and informers. He, in short, confines himself to extenuation of his own conduct in connexion with these unfortunate affairs. The facts, indeed, may be considered as fully proved. An abstract of the evidence is given in the Commissioner's report. The circumstances alleged are quite borne out by the vernacular depositions; especially the sad instances of torture. As regards the extenuation, the Chief Commissioner cannot say that it appears to him sufficient to exonerate Mr. Brereton from very serious blame.

4. The grounds of this extenuation are entered into at length in Mr. Brereton's defence, and are summed up clearly in paragraphs 75 to 80 of that document, and need not be recapitulated. With a few brief remarks, the Chief Commissioner will leave them to carry such weight as they may. The strongest point, perhaps, is the consideration that the two employés (by name Futteh Jung Khan and Ahmed Yar), who committed most of the iniquities mentioned in my second paragraph, were entertained as special detectives in one great robbery case, known as the "Coop Dacoity." It might therefore appear that the mal-administration was confined to this particular case, and did not extend to the police management generally. Now, the Chief Commissioner is willing to believe that this oppressive system had not spread over the district, nor infected the body of the ordinary police, though indeed a bad example had been set them. But the Chief Commissioner must observe, that there were other cases distinct from those arising out of the Coop Dacoitee, and in these additional cases were some of the worst instances of torture; moreover, the Coop inquiry was unreasonably protracted; it remained as a standing scandal, exciting alarm through a large tract of country. Owing to the disregard by Mr. Brereton, in this case, of the rules regarding returns and reports, supervision on the part of superior authority became impossible, as the detectives worked on only verbal orders (or on no orders at all); they eluded all the unusual checks; and, as the Commissioner remarks, no one knows the number of arrests they made and did not report, and the amount of property they seized and did not account for. It is to be feared also that, this case ended, Futteh Jung would have had some other similar task entrusted to him. His associate, Ahmed Yar, was actually so employed in patrolling the road when the Coop case was drawing towards a close. Much is said by Mr. Brereton regarding the intrigues in his own office to secretly encourage, and then to expose these affairs. The Chief Commissioner does not see that this argument has any real foundation. Press of business at a bad season of the year may have caused some delay and laxity in the conduct of criminal trials, but cannot excuse such proceedings as the incarceration of prisoners for extended periods, without taking their defence, and without confronting them with their accusers. Moreover, as a want of energy and industry cannot be numbered among Mr. Brereton's failings, and as that officer is well versed in criminal law and practice, the Chief Commissioner is constrained to think that this laxity and delay proceeded from the absence of proper care and thought for the men who were lying in prison. Again, Mr. Brereton may urge, and does urge, that the people never complained to him of these malpractices; but the people seeing these things perpetrated by men imported by him, and entrusted with his confidence, must have regarded him as virtually the author of these evils, and despaired of redress from him.* In regard to the system of duresse,

* The tortures inflicted by Futteh Jung at his quarters in Loodiana, were painfully notorious all over the town. A respectable inhabitant told the Commissioner that the people living in the same street with Futteh Jung could not sleep at night for the cries of his victims.

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duresse, applied to large numbers of persons, in default of security for good conduct, Mr. Brereton replies, that it was intended to suppress crime. Such may indeed have been the intention; but he was at least aware that this system was not adopted in other districts similarly situated; and if, notwithstanding this knowledge, he chose to introduce it into his own district, he was bound to see that none but bad characters were seized, and that those who had been arrested were promptly and equitably tried; and this he failed to do. Furthermore, he intimates that he is blamed for measures after they have failed; whereas, if they had been successful, he would have been praised. But it is obvious that had success been attained, and the Coop robbers detected, he could only have received credit for that, on the belief that no improper means had been adopted to secure the result. Lastly, Mr. Brereton pleads "misplaced confidence," in reply to the imputation which cannot but fall upon him, from the grievous misconduct of policemen and informers, whom he carried about with him from district to district, as personal attachés of his own; but he should have reflected, that these men were thereby thrown into temptations which the morals of few or no natives could withstand. He should have been apprehensive of the abuses which would be sure to arise, and which any officer of Indian experience might anticipate. There was no reason whatever for the confidence reposed in these men. The informers had been counterfeit coiners by profession; they might have been useful in the tracking out of gangs of their own class; but to use them in a general capacity as spies upon the population of a district, was unwarrantable.

5. In fine, the Chief Commissioner considers that Mr. Brereton is shown to have introduced a system into Loodiana which was contrary to the dictates of experience, and to the principles of administration, and which he ought to have known would lead to abuses; and that he cannot be absolved from responsibility for the abuses which actually did arise, in an aggravated form. The gravamen is not that he was in any way cognizant of these shocking malpractices; but that he permitted proceedings obviously calculated to produce them, and that he neglected all ordinary precautions against their perpetration. Admitting that he was ignorant of what was going on, the Chief Commissioner must remark, that he certainly took not the slightest pains to keep himself informed, and that not caring to know, he almost shut his eyes to the crimes that were being committed in his name. He has hereby been the virtual though not the intentional cause of many deplorable cruelties and tortures, and much injustice, and has brought disgrace on our administration. The sad details of the torture need not now be dwelt upon; they are sufficiently narrated in the papers. Besides the employment of certain persons also in a most objectionable manner, there were gross irregularities in his own court and gaol, which call for marked censure. Now, if the above circumstances had stood alone, the Chief Commissioner might have recommended that the affair be passed over with a reprimand and a warning, in consideration of Mr. Brereton's services and character for vigorous ability; but the Chief Commissioner is sorry to declare his opinion, that a mere warning cannot be depended upon to prevent any future recurrence of these evils under Mr. Brereton's administration. He seems possessed with a species of infatuation in regard to the use of espionage, the employment of personal attachés, and the application of indiscriminate severity; from this vicious system experience does not seem to deter him, nor advice dissuade. It will be observed from the papers, that some of the very employés now arraigned had attracted some kind of notice in connexion with Mr. Brereton at various periods and places. The late Board had reason to fear that latterly these abuses had even crept into the Thuggee department; of these suspicions Mr. Brereton was made fully aware; indeed a circular* was afterwards issued on the subject. These circumstances, however, seem to have left but a transient impression on Mr. Brereton's mind, and the same men who, as he himself says, have followed him for years, are now figuring in the present report. The Chief Commissioner considers that some mark of the severe displeasure of Government is necessary, which may operate as a stern lesson to M. Brereton, and may serve to keep his judgment straight in these matters for the future. Moreover, the Chief Commissioner would submit, that when great faults are clearly brought home to an officer, some example is called for,

* See No. 88, of 1852, page 292, of Board's Printed Judicial Circulars.

for, to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter. In the disposal of this case a point will arise for the decision of Government, as to what allowances Mr. Brereton should draw, from the date on which he was superseded in the charge of the Loodiana district.

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6. The Chief Commissioner would further be disposed to suggest, that after what has occurred Mr. Brereton is not suited for employment in the Punjab. That officer needs more supervision than can well be given by any of our Commissioners, whose duties are so numerous. In the older provinces there are judges to supervise and restrain, as well as commissioners. It has been suggested that Mr. Breton should be appointed to some station which forms the head-quarters of a commissionership. But there are many practical difficulties in this course. Such stations usually require the best officers; and there are usually reasons why those districts should continue to be held by their present incumbents. Indeed, with this very view of securing supervision, the Chief Commissioner had contemplated transferring Mr. Brereton from Loodiana to Lahore; but waived this intention in consequence of the Judicial Commissioner urging that this officer's peculiar system would be particularly mischievous at the capital, as calculated to irritate and distress a large city population. If Mr. Brereton should remain in the Punjab, it will be undesirable, after all that has happened, that he should reassume charge of Loodiana.

7. In conclusion, the Chief Commissioner would submit, that no further commission of inquiry will be needed. As already explained, the facts affirmed have not, in any way, been controverted. Moreover, such a commission might cause unnecessary excitement in the district, and would be embarrassing, owing to the difficulty of finding officers to conduct such an inquiry. Of course, the inconvenience would not be urged, were an investigation really necessary; but the necessity is not apparent.

8. I am to add, that due instructions have been issued for the dismissal of Mr. Brereton's myrmidons, and for the disposal of all cases connected with them, and with these affairs, and especially for the condign punishment of Futteh Jung for the crimes of which, after trial, he had been convicted. The Chief Commissioner would suggest that the Commissioner, Cis-Sutlej States, be authorised to propose, at his discretion, compensation for the parties who are shown to have been victims of the torture, and other oppression described in these papers. Some of these persons will also be found to have suffered much loss of crops and cultivation, owing to their having been detained at harvest time.

I have, &c.
(signed) *R. Temple*,
Secretary.

Lahore, 8 February 1855.

(No. 205.)

No. 3610.

LETTER from *G. C. Barnes*, Esq. Commissioner and Superintendent, Cis-Sutlej States, to *R. Montgomery*, Esq., Judicial Commissioner for the Punjab.

Sir,

Camp, Philour, 10 November 1854.

I HAVE the honour to acknowledge the receipt of your letter, No. 2946, dated 31st ultimo, forwarding a petition presented to the Chief Commissioner by certain residents of Loodiana, complaining of the conduct of Moosahib Khan, acting tehsildar of Jugraon, and of his brother Futteh Jung Khan Perwanah Nuvees.

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2. I was at Loodiana when I received your letter, and was able to make immediate investigations on the spot, the result of which will be embodied in this letter.

3. I would beg to premise that before your communication I had visited the gaol, in company with the Deputy Commissioner. I had found all the wards crowded with prisoners, some of whom, for want of accommodation, were placed in tents. I was surrounded by men who complained loudly of the means by which they had been arrested and confined. I had also heard that Mr. Brereton

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maintained informers, some on a fixed salary, who were always with him, and some on special duty, who were only in occasional employ. I heard also numerous complaints against Moosahib Khan and his brother Futteh Jung; and petitions from jemindars of Jugraon, belonging to castes who have not a good name, had been presented to me complaining of the police measures adopted by the acting tehsildar, Moosahib Khan.

4. I was therefore fully prepared to undertake the unpleasant duty of inquiring into the truth of these reports, even before I received your letter; but that despatch at once decided me to commence, and my first act was to send for the accused parties, and to summon those in whose name and behalf the petition addressed to the Chief Commissioner was written.

5. The depositions and defence of both sides are filed in a separate misl, which accompanies this letter. All the documents were written in my presence, without any other suggestion than that they, the deponents, should state unreservedly the whole truth.

6. Deedar Sing and Lukha Sing, in whose names the petition is sent, deny its authorship. But they affirm before me the truth of every word contained therein, as far as they are concerned. They declare that their houses were searched last May, on suspicion of being concerned in the Koop robbery case, but that none of the stolen property was found therein. Nevertheless, all the valuable articles found in their house were carried off to the cutcherry, and still lie there. The property was paraded in the Bazaar, and people were invited to inspect and claim it, if their own. But no man has appeared to identify the property.

7. The search was instituted at the instance of a prisoner in the gaol who had cause of enmity with these sahookars and with the Sirdar of Kuneitch, whose house was simultaneously searched. There appeared to me no sufficient grounds why they were subjected to this indignity, nor any reason why their lawful property has been so long withheld from them.

8. On the same information, the house of Sirdar Chimmun Sing, of Kuneitch, a jageerdar of this district, was searched. On the 29th April last Mr. Brereton commissioned Futteh Jung Khan Perwanah Nuvees, the brother of Moosaheb Khan, to undertake this duty. The Sirdar came into Loodianah, and at my request has furnished a narrative under his own seal of all that occurred.

9. He is a respectable native gentleman, and has always borne a good character. He has the testimony of Lieutenant Lake, then Assistant Agent at Loodianah, that he behaved with great loyalty in the campaign of 1845-46.

10. One evening, late in April last, Futteh Jung Khan came, with a posse of sowars and footmen to his residence. The Sirdar was treated with great violence, and shortly after the Deputy Commissioner himself made his appearance and began the search. The floors were all dug up, and according to the Sirdar, his houses at Raepoor were thrown down. All the property found was carried away; he mentions also, that eight respectable zemindars of the village were seized at the same time. They were immediately placed in irons, and made over to Futteh Jung Khan. Three months they were kept in arrest, and subjected to treatment which he "cannot describe."

11. These eight men were also sent for; they are Jâts, and I believe perfectly innocent of this crime; they were severally subjected to torture, and kept in confinement in Futteh Jung's own house, which is in a secluded part of the city. The hair of the head (they are Sikhs) was tied to their leg irons. Wooden pegs were driven into the joints of their elbows and other sensitive parts. Others were merely bound tightly and beaten with fists, so that no marks might remain.

12. I inspected two men, Ram Ditta, and Dittoo; they bear large scars on their elbows and on other parts of their arms. The cicatrix in each wound is recent; and they all solemnly state, that these pegs were forcibly inserted, so as to lacerate the flesh. The man who operated in all these cases was a wretch called Alla Buksh, a servant belonging to Futteh Jung.

13. Ram Ditta and Dittoo were so severely wounded with these pegs that they were sent to the gaol hospital, and were cured there. I annex the civil surgeon's report on their case.

14. Deedar

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14. Deedar Sing and Lukha Sing, shroffs, also depose to the cruel treatment to which these men were subjected, and desired me to send for them. I acted on their suggestion, and the result is given above. They also state that these men were confined at Futteh Jung's house in the city.

15. Eventually, although there was nothing whatever against them, except the malicious testimony of a convict, all these men were required to furnish heavy securities of 200 rupees each, and they were not released till these securities were produced.

16. After I had taken these depositions I went to the Hawalut, where I found 57 men under confinement. In one case of robbery of 8,700 rupees at Raepoor, six men and women were under arrest. Some of these were arrested in August last, and some in September last; yet in two instances only had the defence been taken. The other four did not know on what grounds they had been seized. They had not been called upon for their defence, and had been in Hawalut for many weeks.

17. The arrests were made by Futteh Jung on the information of a single "Goindah." Dewa Sing, one of the prisoners, declares he was tortured by Futteh Jung into a partial confession. On his testimony Hurnam Singh, a Jât of the Puttiala territory, near Thaney-sur, was seized, and also Roopa, his mother. Hernam declares that he was confined at Futteh Jung's quarters in the city. A tent peg was driven into his anus, and eventually he was sent to hospital; he was never confronted with his accuser, nor was his defence even taken. I found him in the gaol hospital, and he appears a young Jât with a countenance that does not indicate crime. There is no proof against him.

18. His mother, Roopa, states that Futteh Jung and Alla Buksh, and a third man, seized her at her home in Puttiala, and wanted to strip her. They placed her under an August sun, and gave her nothing to drink. Futteh Jung tied a bag of filth over her mouth and nose, and endeavoured to get her to confess. Roopa also declares that her house at Puttiala was dug down in the search for stolen property, none of which was discovered. Money found concealed there belonging to herself was appropriated by Futteh Jung.

19. Boodh Sing, Jât, made a partial confession in this case. He declares it was extorted from him by false representations and torture. His statement is that Kheema, an informer, and Sheik Chund, a burkundaz in disguise, came to his house. She entertained them. A month after Futteh Jung came to his village, placed a guard round his house, dug up the floors and walls, and destroyed it. He himself was absent, but was seized shortly afterwards. Red pepper was stuffed in his nose and a peg driven into his anus. In his agony he was induced to make a false confession. He has been under confinement since 27th July, but no order has been passed in his case. He lent out money to his neighbour, and the list of his debtors was seized by Futteh Jung, who realized and appropriated the money.

20. The two men who confessed partially have had their statements taken down. The other four were cast into prison; they have never seen their accusers, nor have their defences been written. They do not all state that they were tortured; Hernam Sing and Roopa state that torture was employed against them in vain; the other two simply state that they were arrested, the reasons thereof know not.

21. I found two men under arrest on a charge of highway robbery, value 48 rupees; there is no proof whatever against them. The extra assistant recommended their release on the 29th October last, but they are still in custody.

22. There were two persons seized by Ahmed Yar Khan, of the same party as Futteh Jung; their offence is alleged bad livelihood. Ahmud Yar is not a police officer; he holds an unauthorized appointment as "provider of supplies" to troops marching; he seized these two men on 12th October last, a month ago; they are in strict arrest; no proof has appeared against them, and their defence has not been taken.

23. I found also four men arrested since 7th August last, at the instance of an informer called Mootsuddie, on the charge of false coining; there is no proof

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whatever against them, and no defences have been recorded, although these men have been under arrest three months.

24. There are other instances of injudicious arrests and illegal treatment among the persons in the Hawalut, but I have noticed only those cases in which mention was made of Futteh Jung and Ahmud Yar Khan, or in which the circumstances were more flagrant than in others.

25. There were six men in the Hawalut at the city Kotwallee. Some of these have been there several weeks, none less than 20 days, and their defence had not been recorded.

26. While I was visiting the gaol four men complained to me of Futteh Jung and Ahmud Yar Khan, and I took their depositions; they are imprisoned for no specific crime, but for alleged bad livelihood. Two of these men are subjects of foreign states arrested by Futteh Jung; and a third is a resident of Dhurm Kote, Zillah Ferozpoor. Their arrest and confinement in the Loodianah gaol on such charges is unjustifiable.

27. Futteh Jung and Ahmud Yar appear to have had a commission to rove in foreign territory. They were at Maleir Kotta, Puttialah, and Nabha, at different periods from last January till the present time. Futteh Jung is perwanah naves in the Fouzdarry office. Ahmud Yar was specially employed in the Koop robbery case on your recommendation, suggesting that a special party should be deputed to investigate the particulars of this crime. No clue whatever has been obtained, and the establishment sanctioned was discharged on the 30th September last; subsequent arrests made by Ahmud Yar were entirely illegal, as he had no police powers whatever.

28. These are the particulars of the cases represented to the Chief Commissioner, in which these men have been employed. Allowing for some exaggeration, I feel convinced that Futteh Jung Khan has held almost unlimited power, which he has grossly and most cruelly abused. Holding a subordinate appointment in the Fouzdarry office, he has been commissioned by Mr. Brereton to investigate crimes, with permission almost to do what he liked, to go where he pleased, and to arrest any one upon whom his suspicion might fall; he has also been allowed to hold a separate court as it were; prisoners have been kept for weeks at his quarters, and as he was directly interested in eliciting confessions, I most firmly believe that he exercised great oppression for this object, particularly in the instance of the zemindars of Kuneitch; I am convinced that the wounds their bodies show were caused by the torture he applied.

29. During his long sojourns in foreign territory it is reasonable to suppose, as alleged by the victims, that such a man, armed with such power, committed many atrocities and levied much money. The chiefs themselves did not complain; it is not etiquette to mention such matters, and oppression might proceed to almost any length before the Commissioner would hear of it from the chiefs themselves.

30. I have taken Futteh Jung Khan's defence, and with regard to the testimony given by the shroffs, Deedar Sing and Lukha Singh, and Sirdar Chummun Singh of Kuneitch, as well as the evidence of the zemindars and others, supported by the letter of Dr. Piethall, the civil surgeon, I am of opinion that the crime of torturing and maltreating Dittoo and Ram Ditta, Jats of Kuneitch, is fully proved. I would inflict a severe punishment upon this man, and recommend that he be sentenced to four years' imprisonment with labour and irons.

31. Futteh Jung Khan entered the district with Mr. Brereton; he had accompanied him for some years; he is own brother to Moosahib Khan, and is a villain of the deepest dye.

32. Ahmud Yar Khan is one of the same clique, but he is no relation to the other two; there are complaints against him, but he appears to be milder and more humane than Futteh Jung; I have no doubt that he has extorted much money in his long forays into foreign territory; but he was not so active nor so cruel in torture as Futteh Jung; he should simply be dismissed from employ, a light punishment for the numerous crimes he has doubtless committed.

33. There

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33. There is a third brother, Kuramut Khan, a mohurrir, in the city Kotwallee; there is nothing against him except that he is one of the faction of which his brothers, Moosahib Khan and Futteh Jung Khan, are at the head; I think his employment in this zillah under Mr. Brereton would not be judicious.

34. The antecedents of Moosahib Khan are as follows:—He was the jemadar of a police-station in Mynpoorie when Mr. Brereton was Assistant in that district to Mr. C. Raikes;* he followed Mr. Brereton to Lahore, and became a thanahdar; when Mr. Brereton went to Jullunder, Moosahib Khan accompanied him; when Mr. Brereton was removed to Umballah, Moosahib Khan went there also; in short, wherever Mr. Brereton has gone, Moosahib Khan has followed him, to Sealkote, to Murree, and finally to Loodianah.

* A. D. 1848,

35. At Lahore, Jullunder and Umballah, complaints were preferred against him. He may be, and is, I believe, a good police officer, but he is cruel and harsh in temper. He has earned credit by the capture of Ichhur Singh, the Wuzeer of Juswan, who escaped from the Jullunder gaol, and he possesses some good testimonials as to his value as a police officer; but all his experience lies in the criminal department; he is not fitted to be a tehsildar, nor indeed to hold employment under Mr. Brereton. Under any other master he would probably render good service as a thanahdar or darogah of a gaol; I would rather see him in the last capacity. I have not confirmed his appointment as tehseeldar, nor do I intend to do so, now that I know his history. The correspondence that has passed in his case is submitted for the information of the Chief Commissioner.

36. There have been many complaints preferred against Moosaheb Khan for the surveillance he has imposed upon certain villages in his jurisdiction, supposed to have a bad name. The means employed to prevent the occurrence of crime are very harsh, and the remedy appears far worse than the evil. A burkundaz is stationed in every suspected village; he is ordered to assemble every man, woman, and child residing therein three times a day. A fourth "parade," as the people call it, is taken about 11 at night; any person found absent from these roll-calls is fined two rupees, ten annas, and on a repetition of the offence, he is fined 25 rupees. Moosaheb Khan admits the truth of this account, and gives as his authority the verbal orders of the Deputy Commissioner. He states that on the second offence, not a fine, but a recognizance of 25 rupees is taken. If so, the first fault is punished more severely than the second, which seems unlikely.

37. These villages are inhabited by a race called Harnees, and one or two by communities of men called Rajpoots. They are the proprietors of mouzahs paying revenue to Government, and as far as I know, bear a terrible character. Many of them are in the service of the Raja of Kupoorthulla, and hold high rank on his establishment.

38. Admitting, however, that the race generally is predatory, I think so indiscriminate and severe a system as that enforced by Mr. Brereton and Moosaheb Khan is quite indefensible; a people might be driven into rebellion by measures like these. Harnees, like other men, have legitimate calls upon their time which oblige them to leave their homes; to interdict them, and to deprive them entirely of their liberty is a measure far exceeding the exigencies of the case. Besides, to place a single burkundaz in that position, with leave to compel the attendance of every soul four times within 24 hours, is to give him a license to bully, extort, and plunder at his discretion.

39. Mr. Brereton is actuated by undoubted zeal; he pursues a system which he thinks will suppress crime, and be formidable only to the worst of mankind. But his judgment is entirely defective. In order to punish and prevent crime, he creates a hundred evils, which in my opinion cause more mischief than the offences he would put down. In his pursuit after the dacoits of the Koop robbery he has seized numerous persons quite innocent of the crime. He has allowed men like Futteh Jung to roam over the Protected States without control; he has alarmed the respectable section of the people by the injudicious and causeless searches he has instituted for stolen property; and lastly, he has been entirely deceived in the character of his agents, who have robbed, and tortured, and bullied guiltless men in his name.

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40. Another phase in Mr. Brereton's system is, his dependence upon spies. To hear Mr. Brereton himself speak on the subject, one is impressed with a belief that he is fully aware of the abuses and evils to which a reliance on such sources will lead. Yet he has three informers constantly about him. I may say they are domesticated in his house; they live in his compound, and act occasionally as private servants. Their names are Mootsuddie, Shurfoo, and Jowahir. Mootsuddie has seized several persons, and many unjustly; he has received rewards, and all three draw fixed salaries from Government. They are souars, and I believe, coiners of false coin; they should be remanded to the Thuggie department, and removed from this district without loss of time. I have heard numerous complaints against these men, and especially against Mootsuddie.

41. I have now finished my report; I have entered into full details, because I think the accusations were serious, and the mischief which has already occurred is deplorable; I have endeavoured to give a complete account, omitting nothing, and I believe exaggerating nothing. The duty has been unpleasant, but I have not shrunk from examining and reporting every objectionable feature of the administration which came to my notice. I have regarded this report as a confidential one, and I have told Mr. Brereton that, if necessary, the Chief Commissioner will call upon him for an explanation.

42. I forgot to mention in the body of the letter, that no less than 80 men have been apprehended since the commencement of the year on the charge of "budmashee." Of these, 30 have given in their sureties, and have been allowed to return to their houses, but 50 men still remain in gaol on this charge; I am engaged in looking over the records of their cases. In many instances I have found that the accused have been thrown into gaol on the bare report of the thannahdar. There is no proof whatever against them, and yet they have been imprisoned in default of heavy security, far beyond their means, for one year. They are all in irons, although the law as construed by the Sudr Nizamut expressly forbids this aggravation of their punishment.

43. In the neighbouring zillah of Ferozpoor, with the same aggregate of prisoners, and within the same time, viz., 1st January to 31st October, with much the same population and the same amount of crime, the district officer has arrested only five men; and yet in Loodianah 80 men have been seized.

44. This fact alone indicates the indiscriminate severity with which Mr. Brereton employs the means at his disposal for the criminal administration of his district.

I have, &c.

(signed) *G. C. Barnes,*
Commissioner and Superintendent,
Cis-Sutlej States.

Moosabel Khan, Futteh Jung, and Ahmed Yar, have been removed by me from employ; pending the orders of superior authority, I have directed them to attend my camp.

(signed) *G. C. Barnes,*
Commissioner.

MINUTE by the Most Noble the Governor-General.

Case of
Mr. Brereton,
Deputy Commis-
sioner.

1 I HAVE read the whole of these voluminous papers, with the attention which is specially called for when the official character and prospects of a public officer, as well as the interests of a considerable portion of the public, are involved.

2. The facts are very fully and correctly stated in the Secretary's note. They need not be again recited in this minute.

3. The Chief Commissioner thus states the nature of the misconduct with which Mr. Brereton has been charged. The Report of the Commissioner, he says, has shown "that certain native employés, not holding regular offices, had been

been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody ; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodhianah district, and the neighbouring native states ; it showed that these men abused their irregular trust in each and all of the proceedings above enumerated, and that in many cases they inflicted cruel torture ; it showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, that houses of wealthy citizens had been causelessly searched ; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods ; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken ; and that the laws relating to security for bad character had been applied with sweeping and indiscriminating severity ; lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers, whom he employed wherever he went, and that these men had been the main authors of the recent mischief."

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4. The Chief Commissioner and all the local authorities consider that these charges have been completely proved. Mr. Brereton himself does not dispute the accuracy of the main facts which have been alleged against him. But he has made a very full statement and explanation in defence of his conduct.

5. I am bound to say that his statement, while it affords a full explanation of his conduct, has neither justified nor extenuated it in my eyes.

6. The Chief Commissioner submits, that "when great faults are clearly brought home to an officer, some example is called for to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter."

Para. 6.

I think these views are well founded ; and I am compelled to pronounce, with pain, that I think a severe example ought to be made in the case of Mr. Brereton.

7. The Chief Commissioner has suggested no specific measure ; but he casually hints that he wishes that Mr. Brereton should no longer be employed in the Punjab.

I cannot accede to this wish. The faults and irregularities of Mr. Brereton have no peculiar heinousness in the Punjab. They would be open to the same degree of objection if committed anywhere else in the Indian territories. If Mr. Brereton is unfit to be employed in the Punjab, he is equally unfit to be employed in the North-West Provinces. I should object to his being sent back to those provinces. I do not consider it fit that the rest of the Presidency of Bengal should be used as a preserve whence very many of the best men have been drafted to the Punjab, and that it should be made use of also as a penal district, to which every offending officer in the Punjab should be immediately transferred.

8. It is necessary, therefore, to consider what measure should be adopted in this case.

On the one hand, Mr. Brereton's superiors testify that he is an active and zealous magistrate ; that his services in the Thuggee department in the Punjab have been valuable, and that his motives have been good.

On the other hand we have irrefragable proof,—proof, indeed, undisputed by Mr. Brereton himself,—that that officer has been guilty of each item in the heavy catalogue of irregularities and illegalities with which the Chief Commissioner has charged him, and which have brought disgrace on one portion of the British administration, and have subjected a large number of British subjects to gross injustice, to arbitrary imprisonment, and cruel torture.

9. I am most ready to set off Mr. Brereton's services against his faults. But I feel that reprimand and warning would be all too light for such grave faults as have been proved against him, even if we were not told by the Chief Commissioner that warning had already been tried in vain.

Para. 15.

10. I am of opinion that the Government of India, consistently with a due regard to its own character, and to the protection which it owes to those who are

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placed under its charge, cannot consent to leave in Mr. Brereton's hands the power which he has so grievously abused. I am of opinion that Mr. Brereton cannot, for the present, be fitly entrusted with the authority of a Deputy Commissioner; that he ought to be removed from that grade to the grade of a first-class Assistant; and that he ought not to be restored to the grade of a Deputy Commissioner, or to any corresponding authority, until his conduct shall have satisfied his superiors that he better appreciates the responsibilities of a British officer in this country, and can better use the civil powers with which he has heretofore been entrusted.

I think Mr. Brereton should in no case be employed again in the district of Loodiana.

I think that, as the result of the inquiry regarding him has been unfavourable, he should have no higher allowances during his suspension than any other officer suspended from office.

I think, too, that Mr. Brereton should be warned that any future complaints of similar misconduct on his part, if they shall be proved against him, will subject him to entire suspension, and to a submission of his case to the Honourable Court of Directors.

11. Compensation may with propriety be given by the Government to those who were subjected to torture. I do not think it can be extended further.

12. The man, Futteh Jung Khan, should be sentenced to the severest punishment which the law will warrant in his case.

13. I wish that these views of mine should be transmitted for the consideration of the President in Council, by whom the case will, no doubt, be finally disposed of.

(signed) *Dalhousie.*

2 April 1855.

Judicial Department, 13 May (No. 22) 1856.

Our Governor-General of India in Council.

Mr. Henry
Brereton's removal
from the office of
Deputy Commis-
sioner of Loodiana.

PARA. 1. IN your letter in the Foreign Department, dated 22d December (No. 67) 1855, paras. 45 to 59, you have explained the circumstances under which Mr. Henry Brereton has been removed from the situation of Deputy Commissioner of the Loodiana district of the Cis-Sutlej States.

2. This painful case was fully reported by the Chief Commissioner, and still more so by Mr. Barnes, the local Commissioner, and their reports were accompanied by the defence which Mr. Brereton had submitted. The whole papers were referred by you to the Governor-general at Ootacamund, and the minute recorded by his Lordship was embodied in your decision communicated to the Chief Commissioner.

3. The following is extracted from Lord Dalhousie's Minute: "The Chief Commissioner thus states the nature of the misconduct with which Mr. Brereton has been charged. The report of the Commissioner, he says, has shown, 'that certain native employés, not holding regular offices, had been commissioned, without written orders or direction, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodiana district and the neighbouring native states. It showed that these men abused their irregular trust in each and all of the proceedings above enumerated, and that in many cases they inflicted cruel torture; it showed, that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, that houses of wealthy citizens had been causelessly searched, that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws

laws relating to security for bad character had been applied with sweeping and indiscriminating severity; lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers, whom he employed, wherever he went, and that these men had been the main authors of the recent mischief.

"The Chief Commissioner and all the local authorities consider that these charges have been completely proved. Mr. Brereton himself does not dispute the accuracy of the main facts which have been alleged against him. But he has made a very full statement and explanation in defence of his conduct.

"I am bound to say that his statement, while it affords a full explanation of his conduct, has neither justified nor extenuated it in my eyes."

4. We entirely coincide in that opinion, and we approve of the decision adopted by you on the recommendation of the Governor-general. Mr. Brereton has accordingly been removed from the situation of Deputy Commissioner to that of an Assistant, and is not to be promoted until his superiors are satisfied of his being fit to be entrusted with higher authority.

5. We have hesitated whether official misconduct so glaring, and the cause of so much injury and suffering, ought to be visited with a punishment less severe than dismissal from the public service.

6. Mr. Brereton's superiors acquit him of any knowledge of the cruelties which were inflicted by the worthless agents whom he employed. We observe his assurance, "So utterly was I in ignorance of the truth, that, even to the last, I could not realize the fact that any atrocities had been committed. When the veil was once lifted from my eyes, I perceived at once the whole occurrence, and need hardly observe the distress of mind and horror which I have suffered at the bare thought of being, however unconsciously, the cause of misery to others." And again, "Cruelty and abuse of power are utterly abhorrent to my nature and principles as a Christian gentleman, and the severest pang of all is, the thought that, by any error of judgment, injustice and misery have been brought on others. Your own heart will confirm this, and bear me witness that my motives have throughout been those of zealous duty. The deep contrition that I feel for errors and irregularities and their consequences is almost a sufficient guarantee that, if my life is spared, such mistakes shall not occur again."

7. However much, therefore, Mr. Brereton is to be condemned for acts in excess and in abuse of legal authority, both on his own part and on that of the unprincipled agents in whom he placed a blind and unlimited confidence, we are nevertheless persuaded that he fully participates in the abhorrence with which acts of wilful cruelty and oppression are regarded by the European officers of Government in India. Under this impression, we are induced to refrain from carrying the punishment of Mr. Brereton's misconduct further than you have done. We desire, however, that you will inform Mr. Brereton that any similar misconduct will result in his immediate dismissal from the public service.

8. We are under the necessity of drawing attention to a point of importance which has escaped your notice. A note, appended by Mr. Barnes, the Commissioner, to the 22d paragraph of Mr. Brereton's defence, is thus expressed: "These two men,* who were so severely maltreated by Futteh Jung as to render medical aid necessary for their recovery, were sent not to the gaol hospital, but to a secluded room in a corner of the gaol. They were under treatment from the 6th May till the 4th and 16th July, two months. They were sent without orders, admitted and released not only without orders, but without the knowledge of Mr. Brereton, as stated by himself." These facts are certified by Mr. Piethall, the civil surgeon, and Mr. Barnes saw the two men, with large scars, the effect of recent wounds. Yet Mr. Brereton asserts that, though these men were attended by the civil surgeon and the native doctor, he had never heard a word on the subject. We presume that the medical officer must have inquired of his patients by what means their wounds were incurred, and must have been able to judge whether they had been inflicted by means of torture. If he arrived at that conclusion, we are wholly unable to acquit him of a most culpable failure in his duty, for not having instantly brought the fact to the Deputy Commis-

* By name Ram Ditta and Dittoo.

Punjaub.

sioner's notice. We desire that there may be a formal inquiry into the conduct of both the native doctor and the civil surgeon, and likewise of those persons who were responsible for the prisoners being placed in a private room instead of the ordinary gaol hospital.

9. We shall expect to hear from you what punishment was inflicted upon Futteh Jung.

We are, &c.
(signed) *W. H. Sykes,*
R. D. Mangles,
&c. &c.

London, 13 May 1856.

(No. 3 of 1857).

Fort William, Foreign Department, 8 January 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to your Honourable Court's despatch in the Judicial Department, dated 13th May, No. 22 of 1856, respecting Mr. Brereton's removal from the office of Deputy Commissioner of the Loodiana district of the Cis-Sutlej states, we have the honour to transmit copies of the correspondence with the Chief Commissioner of the Punjab, noted on the margin,* and to submit our opinion that the explanations furnished are sufficient, and that nothing more need be done in the matter.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 8 January 1857.

No. 463.

(No. 633.)

LETTER from *R. Temple*, Esq., Secretary to the Chief Commissioner for the Punjab, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, Foreign Department, Fort William.

Judicial.

Sir,
In reference to the concluding portion of the despatch of the Honourable Court of Directors, regarding the case of Mr. H. Brereton at Loodianah, I am directed to forward extract para. 1 of a letter, No. 66 of the 20th April 1855, from the Commissioner Cis-Sutlej States to the address of the Judicial Commissioner, from which it will be observed that Futteh Jung has been sentenced to imprisonment for eight years, with labour and in irons. One of the subordinate agents of Futteh Jung, viz., Allah Buksh, eluded arrest, and has not been yet seized; against another, named Ahmud Yar, no direct participation in torture or extortion was proved; and Kinamut Allee and Moosahib Khan have been declared ineligible for further service.

2. The inquiry directed in the 8th paragraph of the Honourable Court's despatch has been directed to be made by the Cis-Sutlej Commissioner, and the result thereof will be communicated to you hereafter.

I have, &c.
(signed) *R. Temple,*
Secretary to the Chief Commissioner.

Lahore, 4 September 1856.

* To Chief Commissioner, dated 1 August 1856; from Chief Commissioner, dated 4 September 1856; from Chief Commissioner, dated 17 November 1856.

(No. 300.)

Punjab.

LETTER from *G. Campbell, Esq.*, Officiating Commissioner and Superintendent, Cis-Sutlej States, to Captain *H. R. James*, Officiating Secretary to the Chief Commissioner for the Punjab.

No. 4767.

Sir,

Camp Umballa, 8 November 1856.

WITH reference to your letter No. 462, of 4th September, and enclosed copy of orders of the Court of Directors, directing inquiry in a case which occurred at Loodiana in the time of Mr. H. Brereton, late Deputy Commissioner, I have the honour to annex a copy of a report of inquiry made by the officiating Deputy Commissioner under my instructions, and to state, that as Mr. Thompson seems to have well and sufficiently inquired into the matter as far as is now possible, I do not delay to report the result.

Judicial.

2. The pith of the civil surgeon's explanation lies on the simple fact that he had been barely two months in India, and did not understand the language; and as I believe that no linguistic qualifications are required of medical officers on their first appointment, I think that Dr. Piethall may well be exonerated from blame. It will be observed, that he says that he saw and attempted to question the men, but did not discover the cause of their wounds, and consequently did not communicate it to the Deputy Commissioner.

3. The explanations of the gaol darogha and native doctor are much less satisfactory. They admit that they knew the men to be irregularly confined, and the native doctor attended them; and though they deny all knowledge of the cause of the wounds, it is very difficult to believe they were altogether free from any knowledge or suspicion of the truth. Considering, however, the subordinate position of these officials, the time that has elapsed, and the peculiar circumstances of the case, the men having been confined by the direction of a person supposed to enjoy the confidence of the district officer, I do not think that it would be desirable at this time to visit upon them the punishment of concealment of this case, though they may, with advantage, be warned of the personal responsibility which will be attached to them if they in future fail in their strict duty. The case of the gaol darogha may be separately dealt with as regards his general inefficiency. The native doctor is an old, and, in most respects, a very efficient servant, whose general services we could exceedingly ill spare.

I have, &c.

(signed) *G. Campbell,*
Off^r Comm^r and Superintendent, Cis-Sutlej States.

EXTRACT Judicial Letter to India.

66. In our despatch, dated 13th May (No. 22) 1856, we directed "a formal inquiry into the conduct of both the native doctor and the civil surgeon, and likewise of those persons who were responsible for the prisoners being placed in a private room, instead of the ordinary gaol hospital." We further inquired what punishment had been inflicted upon Futteh Jung, the person chiefly implicated in the case of torture, brought to our notice in the papers to which our above-mentioned despatch was a reply.

Foreign letter, dated 8th January (No. 3) 1857. (1.) Reply to Court's despatch, dated 13th May (No. 22) 1856, respecting Mr. H. Brereton's removal from the office of Deputy Commissioner of the Loodianah District of the Cis-Sutlej States. The explanations furnished considered sufficient.

67. We are now informed that the civil surgeon, who had recently arrived in the country, and did not know the language, was unable to converse with the men who had been tortured, and that the native doctor and gaol darogha could not ascertain from them the cause of their wounds. The Chief Commissioner of the Punjab "is of opinion that these two officers only acted as almost all others would have done in their position, and he would certainly deprecate their being now punished;" and you add the expression of your own opinion, that the explanations furnished are sufficient, and that nothing more need be done in the matter.

Punjaub.

68. Under the explanations now submitted, it appears that the faults and failures to which we previously adverted are to be attributed less to individuals than to a system which admits of the appointment to the charge of a gaol hospital of a medical man who is unable to converse with his patients. We desired that this subject may receive your attention.

69. We are glad to find that the delinquent Futteh Jung has been sentenced to eight years' imprisonment, with labour in irons.

70. We conclude that the case of the gaol dorogah, who is reported as generally unfit for the post he holds, has been separately disposed of.

Fort St. George.

FORT ST. GEORGE.

— No. 1. —

CORRESPONDENCE RELATIVE TO THE AMENDMENT OF THE LAW REGARDING ABUSE OF AUTHORITY BY PUBLIC SERVANTS.

EXTRACT Public Letter from Fort St. George, dated 29 December (No. 43) 1855.

7. A COPY of this despatch has been furnished to each of the late Commissioners appointed for investigating the alleged resort to torture in revenue and police cases.*

8. With reference to paras. 9 and 10, we transmit copy of the letter from the Advocate-general, dated the 21st September 1855, and beg to inform your Honourable Court that, under the considerations submitted by that officer and by the Government pleader, we have acquiesced in their suggestion that the preparation of a draft Act of the tenor referred to, should for the present be suspended. We may add, that the state of the existing law for punishing malversation on the part of revenue servants is one of the subjects that are now occupying the attention of Mr. H. Stokes.

In Jud. Cons.
14 November 1855.

9. In advertence to paras. 11, 12, and 13, your Honourable Court will have been informed, by our despatch in the Revenue Department, dated 25th September, No. 42, of 1855, and by the despatch in the Judicial Department, 20th October, No. 32, of 1855, that applications have been made, under dates 13th and 14th August 1855, to the supreme Government in respect to the large employment in the Madras Presidency of uncovenanted agency, and the improvement of the Police Department.

10. We beg to refer your Honourable Court on the subject of p. 14 to the instructions† issued by us for the reduction of excessive assessment throughout the Presidency generally; as also to the special measures which have been and are being carried out in the districts of North and South Arcot, the dry lands of Trichinopoly, and the well lands of Coimbatore.

11. A copy of para. 15 had been furnished to the Court of Foujdaree Udalut, and to the Government pleader; and they have been requested to give their opinion upon the change in the law suggested by your Honourable Court.

12. The Court of Foujdarry Udalut have been furnished with a copy of para. 16, for communication to all judicial officers and magistrates, who are to be required to report to them, for the purpose of being submitted to us, all cases from time to time occurring of the nature alluded to by your Honourable Court.

* Letter dated 12th September, No. 44, of 1855; Court's observations in the Report of the Commissioners appointed to investigate alleged cases of torture in revenue and police cases.

† Extracts Mins. Cons., 10th July 1854; Extracts Mins. Cons., 23d April 1855 (*vide* printed selections forwarded with letter to the Secretary, East India House, 20th July 1855); Extracts Mins. Cons., 26th June and 8th August 1854, reported in Revenue Despatch, 17th October, No. 55, of 1854; Extracts Mins. Cons., 6th October 1854, reported in Revenue Despatch, 23d March, No. 14, of 1855, p. 13; Extracts Mins. Cons., 9th November 1855.

Fort St. George.

Judicial Department, 10 September (No. 14) 1856.

Our Governor in Council at Fort St. George.

1. WE proceed to reply to the paragraphs noted in the margin.*

2. In para. 8 you inform us that, under the considerations submitted by the Advocate-general and by the Government pleader, you have acquiesced in their suggestion that the preparation of a draft Act for the amendment of the law regarding the abuse of authority by public servants should for the present be suspended.

Reply to Public
Letter, 29th Dec.
(No. 43) 1855,
paras. 7 to 12.
Amendment of the
law regarding abuse
of authority by
public servants.

3. The considerations urged by the Advocate-general are twofold; 1st, as they relate to the agency by which any new legislative measure must be worked; and, 2dly, to the subject-matter of such measure.

4. Under the first head the Advocate-general observes, that the Mofussil police are "both revenue and criminal police," and that, in order to inspire confidence among the people, it is necessary that any Act on the subject that might be passed by the legislature should be worked, and especially first set in motion, by persons other than members of the very class whom it would be the design of the Act to restrain and punish. He thinks that to compel complainants against native revenue officers to lay their complaints before a "revenue magistrate," is not the course most likely to inspire confidence, and he shows that, for the reasons stated in the fourth paragraph of his letter of the 21st September 1855, it would be impracticable to commit the working of the Act to the courts of the subordinate Judges and principal Sudder Ameen.

5. Under the second head, the Advocate-general states that the draft Act prepared by him, except as to more fulness of detail, greater severity of punishment, and provision for false and malicious accusations, is very little in advance of Regulation III. of 1819, which is a regulation to provide more effectually for the punishment of extortion, oppression, or other abuse of authority, on the part of native officers of police, and he suggests whether the subject of the proposed Act is not peculiarly one that should be embodied in the forthcoming new penal code.

6. We cannot concur with you that, for the reasons stated by the Advocate-general, the preparation of a draft Act of the tenor referred to should be suspended.

7. We are aware that great changes are required in the entire system of revenue and police administration in your Presidency; but we are not prepared to concede the position that nothing is to be done in the way of legislation to put a stop to the abuses and cruelties which have been brought to light until measures which must necessarily take a considerable time to organize and arrange, shall be carried into effect.

8. To admit to its full extent the cogency of the considerations urged by the Advocate-general, in their bearing upon the existing agency employed in the administration of criminal justice in the Madras Presidency, is to admit that to whatever length the abuse of authority by public servants may be carried, redress is all but hopeless, and prevention all but impossible. We fully recognize the extreme difficulty of working with efficiency any new law of the nature adverted to by means of the members of the body whom it is intended to restrain and punish, and we think, with the Advocate-general, that it would be inconsistent with the constitution and procedure of the courts of the subordinate Judges and principal Sudder Ameen to commit to them the investigation of the cases contemplated by the proposed law. But we fear that the people entertain the opinion that the Government is not thoroughly in earnest in its determination to put a stop to the abuse of authority by its native servants. We believe, however, that

* Public letter, 29th December (No. 43) 1855 (para. 7 to 12); correspondence relative to the amendment of the law regarding abuse of authority by public servants.

Fort St. George.

that where the character of the magistrate and collector is such as it ought to be, those who have been subjected to maltreatment will feel confidence of redress and protection, from their intimate knowledge that the officer to whom they complain is thoroughly conversant with all their relations to the native officers by whom they have been injured. We believe also that the people, if assured of being able to obtain a hearing from the European officer, and of his protection against the vengeance of the party complained of, will act upon their convictions. "All that the people at large seem to desire," say the Commissioners for the investigation of alleged cases of torture, "is, that the Europeans in their respective districts should themselves take up and investigate complaints brought before them: the distances which the natives will often travel at great personal loss and inconvenience to make complaints, even of a very petty nature, to the collector or sub-collector, is of itself a proof of the confidence which they place generally in those officers." The submission of the natives to the maltreatment to which they have been subjected, is to be accounted for by other causes besides want of confidence in the European magistrate, because he is also the collector; or in the collector, because he is also the magistrate. If the measures adopted be such as to afford them encouragement and protection in making known their grievances, the suppression of those grievances will to some extent have been effected; but for this end, legislative measures alone will not be sufficient. The English authorities must meet the complaints of the people half way, must be accessible at all times to such complaints, and must be jealously on their guard against any combination among their native officers to make common cause in extortion, or to shield those who have been guilty of acts of oppression or cruelty.

9. If, as we have a right to expect, such a course be steadily pursued, the fact of the magistrate being also the collector of the district need not stand in the way of immediate legislation upon this important subject.

10. With regard to the suggestion of the Advocate-general, that the subject of the proposed Act is peculiarly one that should be embodied in the forthcoming new penal code, we have to observe, that the penal code is in the hands of the Legislative Council of India, not in those of the Indian Law Commissioners. We think it probable that some of its provisions will meet cases of abuse of authority by public servants; but on this point it will be expedient that you put yourselves in communication with the Legislative Council.

11. We do not think, however, that the insertion of a clause in the penal code, defining the offence, and prescribing the penalty, is sufficient to meet the exigency of the case. It is not enough that the law on this point merely forms part of a general code; the evil is special and peculiar, the remedy must be the same, and the measures to be adopted must be pointed directly at the abuses which they are intended to repress.

12. A Commission was appointed to investigate the alleged use of torture in your Presidency; an Act was passed specially to facilitate its inquiries; its report shows the existence of such torture to an extent of which we were not aware, and which we deeply lament, and it is essential, in order to impress our native subjects with the conviction of our determination to put a stop to the abuses committed by our native officers, to take immediate and earnest steps for the repression of such practices. It is true that the court of the magistrate is now open to receive complaints, and that a Regulation (III. of 1819) is part of the statute law of your Presidency. The terms, however, employed in that Regulation, in describing the offences made punishable by it, do not convey the idea of such aggravated offences as those mentioned in the report of the Commission; its provisions are limited to offences committed by native officers of police; the small amount of punishment which it prescribes has no doubt led to the infliction of sentences often very inadequate to the offence, and the powers of summary trial and punishment conferred by it on the magistrate are much too restricted, and have been too often neglected.

13. On these grounds, therefore, as well as on those above specified, we are of opinion that there is a call for immediate legislation in the direction we have indicated; that in any Act that may be passed no attempt should be made to mitigate the character of the offence to be punished, or to qualify the terms in which

which it is described; and that the magistrate's powers of punishment should be so extended as to admit of his dealing summarily and effectually with all cases, except those which, from circumstances of aggravation, call for the intervention of a superior court. We believe that a new Act, although in reality not perhaps differing much from an old one, is yet likely to be carried out with much greater accuracy and effect. We cannot help repeating that this question has not till lately received from the authorities the consideration which it deserved, and we now insist upon their most earnest attention to the suppression of this crime, by the most effective means of punishment, until we can sufficiently consider a plan for an improvement of the administration which may effectually prevent its commission.

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14. We therefore desire that you will again take the subject into your immediate consideration, with reference to the foregoing observations. We do not by any means intend to confine your exertions for the attainment of the object in view to such an Act as that now proposed; but, without diverting your mind from the question of separation of Police and Revenue, we intend you to show your determination to eradicate the evil, and to convince all persons in employment under you that such is your determination.

15. The remaining paragraphs do not appear to call for any remark at present.

We are, &c.

(signed) *W. H. Sykes.*
R. D. Mangles.
&c. &c.

London, 10 September 1856.

(No. 27.—Public Department.)

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to the papers noted in the margin,* we do ourselves the honour to forward to your Honourable Court the accompanying copies of Minutes† that have been recorded by our President and by the Honourable Mr. Walter Elliot, respectively.

2. With reference to the concluding para. of our President's Minute, we have further to state, for the information of your Honourable Court, that we have directed our solicitor, in the absence of our Advocate-general, to prepare, for submission to the Legislative Council of India, the draft of an Act for the punishment of abuse of authority on the part of public servants in the police or revenue departments.

We have, &c.

(signed) *Harris.*
Walter Elliot.

Fort St. George, 11 September 1856.

MINUTE by the Right Honourable the Governor.

I BEG to call the attention of Government to the following extract from the report of his speech on the Indian Budget, delivered in the House of Commons by Mr. Vernon Smith, on the 21st of July last.

It has reference to the subject of torture. "His (Lord Harris's) opinion was, that

* Despatch, Public Department, No. 44, of 1855, 12th September, p. 9; to Honourable Court of Directors, 29th December 1855, p. 8; Despatch to Supreme Government, Legislative Department, No. 12, of 1855, 21st November.

† 4th and 7th September 1856; E. M. Cons., 9th September 1856, No. 1085; to the Secretary to the Government of India, 9th September 1856, No. 1086; from the magistrate of Malabar, 17th July 1855, No. 540; order thereon, 1st August 1855, No. 546; from the magistrate of Bellary, 21st August 1856, No. 1236.

Fort St. George.

that it to a great extent resulted from the high rate of assessments, and that a re-adjustment of assessment would get rid of it. That, however, must be a slow operation; but in the meantime Lord H. had set a careful watch upon this system, and was prepared to punish with the severest penalties (for there had undoubtedly been a want of severity in the penalties hitherto inflicted), and with dismissal from the service, of any person who was convicted of the infliction of torture."

"The Court of Directors, among other instructions, sent out an order that an Act should be passed for the enforcement of severe penalties for this offence. The law advisers thought that such an Act would be useless, and that the only way to suppress this evil was to separate the revenue from the police system. * * *

"He (Mr. Vernon Smith) could not help thinking that Lord Harris had not done right in omitting to pass the Act to which he had referred. * * * He could not help thinking that when Lord H. considered the matter, he would see that if no new Act were passed, the opinion would prevail, that as hitherto no notice had been taken of this system, so no attention was intended to be paid to it in future."

I assume that this report of Mr. Vernon Smith's speech is generally correct; at all events it is evident that it has gone forth to the world that the Court of Directors sent out an order that an Act should be passed for the enforcement of severe penalties for this offence, and that this Government has failed to fulfil those instructions.

I need hardly point out that this Government possesses no power to pass any Act whatever, but can only have one prepared to be sent up to the Legislative Council in Calcutta.

But I have to remark, that no instructions have been received from the Honourable Court to pass an Act of the description mentioned.

So far as I can discover, by reference to the public documents, what has occurred with respect to this subject is as follows:

1. The Commissioners for inquiring into the alleged use of torture in the Madras Presidency, sent in their report on the 16th of April 1855.

In para. 76 they say, "We could not but have our attention pointedly drawn to the state of the law under which such a condition of circumstances as that which the present investigation brings to light could continue to exist; and on this point it will be sufficient for us to state that it appears to us both circuitous in its procedure, and deficient in its provisions, for the prevention and punishment of personal violence illegally administered by an abuse of authority. We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration, as may be thought expedient, to the better consideration of the Right honourable the Governor in Council."

2. This Government passed orders on this report on the 7th of June 1855, and the following paragraph, No. 21, shows their views on this subject:

"With regard to the remaining cause noticed by the Commissioners impeding the due suppression of Acts of extortion and oppression, viz., the vague and defective state of the law for the punishment of abuse of authority on the part of public servants entrusted with it, and its dilatory and circuitous action, the Right honourable the Governor in Council resolves to request the Advocate-general and the Government pleader to confer upon the subject, and to submit the draft of the Act which they would propose in amendment of the present law, to be applicable to all cases of abuse of authority committed by public servants, or parties assuming to act as such, and either in the police or in the revenue department."

3. On the 21st of September a letter was received by the Chief Secretary from the Advocate-general, in which he stated (to express his views shortly) that he and the Government pleader had in consultation found that grave difficulties existed as to the probability of drafting any Act which could be effective under present circumstances.

4. On the 14th of November the Government resolved, "That the Advocate-general and Government pleader should not for the present proceed further with the

the task of drafting a bill in amendment of the existing law regarding the abuse of authority of public servants."

Fort St. George.

5. On the 15th February 1856 this Government received a despatch from the Government of India, requesting "that, with reference to the 8th para. of the despatch from the Right honourable the Governor in Council to the Honourable Court, No. 43, dated 27th ultimo, the circumstances under which the preparation of the draft Act, to prevent abuse of authority committed by public servants, either in the Revenue or Police Department, has been suspended, may be reported for the information of the Government of India," and also inquiring whether "the Right honourable the Governor in Council proposes to resume the consideration of the subject at any early or definite period."

6. To this an answer was given, dated 8th March last, to the effect that looking to the difficulties represented by the Advocate-general and the Government pleader, this Government was induced to postpone legislation until the revision of the revenue code should be completed, and until they were apprised of the sentiments of the Government of India with respect to the measures referred to them under dates the 13th and 14th of August last (1855) for the reform of the police, and for the introduction of uncovenanted agency.

7. Nothing further has transpired on this subject. It is apparent, I think, then, from this statement of facts, that this Government received no instructions to enact a law on this particular subject, but that the initiative was taken of its own free will, and that proceedings were stayed for a time solely with the expectation of being able at an early period to propose a thoroughly efficient law, instead of an incomplete one, which would give scarcely more power to Government than is at present possessed.

I should remark, that the Honourable Court, in their despatch of the 12th September 1855, on the subject of the Torture Commission, approved of the course which this Government had been reported to have adopted, viz., to have called on the Advocate-general for a draft Act; but this approval was not supposed, and does not in its terms in any way bar the discretionary judgment of this Government.

I do not wish to lay any great stress on the fact of not having received instructions; but still I think that it is only right and fair to this Government (for though I alone am individually alluded to in the report of Mr. Vernon Smith's speech, yet it is the action of this Government which is in question), that the circumstances should thus fully be narrated, because there is a wide difference between the position of a Government acting unreservedly on its own judgment, and that of its being limited by instructions from superior authority.

Under the circumstances in which this Government was placed in November last, when it decided on postponing the consideration of the proposed Act, I thought, and I am still of opinion, that it came to a sound judgment:

1st. Because it appears to me that additional legislation is inexpedient where power already exists when such legislation cannot be fully effective, and more especially when there are good grounds for supposing that a law more complete in all its bearings may in a short time be enacted.

Mr. Vernon Smith appears to think that the Regulations of 1816 and 1819 are in abeyance, and concludes that it would be more advisable to pass a new Act than to revive the old ones: he is reported to have said—

"It was true that by Regulations adopted so late as the years 1816 and 1819, very heavy penalties were imposed for acts of torture; but it was clear that these Regulations had never been enforced, and he thought that the passing of a new Act would have more effect than the renewal of the old ones."

There would appear to be some misconception respecting the Regulations in question, No. 11 of 1816, and No. 3 of 1819. They are not only not in abeyance, but in full operation, and constantly acted on. Indeed, it is only necessary to refer to Appendix (H.) of the Report of the Commissioners on the Torture Inquiry to show that this is the case.

A return is attached, showing the number of cases which have been tried under these Regulations, or in which, under other Acts, such as Act VIII. of 1843, the courts have entertained charges for abuse of authority, including the commission of torture for the years 1854, 1855, and the first seven months of 1856.

Fort St. George.

The existing system of police throughout the Madras Presidency was established by Regulation XI. of 1816, and it is in constant, it may be said in hourly operation.

2d. Because it was hoped that this Government would before this have been in a position to have drafted an efficient law on the subject. The revision of the revenue code is nearly complete, and favourable replies were anticipated, perhaps in too sanguine a mood, respecting the measures of police and the magistracy, which are alluded to in the letter to the Government of India of the 8th March last.

3d. Because it did appear to me most important, in a matter of such grave moment, that the action of Government should be simultaneous on all the points involved.

For, be it well remembered, that it was not only the prevention of a cruel practice which was under consideration, but the collection of the public revenue was concerned, and the tone and bearing of Government towards its native servants in a difficult crisis was involved.

It was right and proper, when the charges of the employment of torture were proclaimed, to institute a free and full investigation; I hold that it was the only safe course to pursue. But when the practices were exposed, and the remedies had to be sought, I hold that it was also the only safe course to go to the root of the disease, and to apply the proper remedies, if discovered, at once.

Now, what are the facts? The charges were brought home to the native officials in many instances; it was right they should be exposed, as a preventive not only to future malpractice, but also to that species of agitation which was endeavouring to charge the entire blame on the British Government, and the entire fault on British officers.

But how did these malpractices originate? and how was it they were permitted to continue?

With respect to the first question, it will hardly be contradicted, I imagine, that the practice of torture has existed in all countries in a barbarous or semi-civilised state of society, and, in accordance with this view, it has prevailed generally in India.

With respect to the second, the answer, I believe, is, that the facts of the case had hardly been fully realised; a heavy taxation had to be collected; the sale of lands was discouraged; the native officers were obliged to employ any pressure which would meet the difficulty; their combined duties of police and revenue induced habits which, looking at the circumstances of their position, were hardly to be avoided; and thus a system was in existence which undoubtedly called for reform.

But would the desired object be effected by heaping severe penalties on the officers of Government for their acts,—improper ones, no doubt, and unsanctioned, but still in some degree forced upon them in the performance of their duty? I certainly did think that it would not altogether become this Government to make its native officers, a numerous and influential body, containing some of the wealthiest and most respectable men in every province, the objects for increased censure, and the subjects of heavier penalties, without at the same time giving palpable evidence that they would be relieved from some of the difficulties with which their position was encumbered. I was of opinion that it would be more fitting the policy of a great Government, that a measure which should discourage every species of violence should be accompanied by the evidence of a publicly expressed disposition:

1st. To ameliorate the position of the tax-payers by a fresh survey and assessment. Mr. Vernon Smith is reported to have stated that the Government of India have approved of the measures proposed by this Government on the subject. I have heard privately that such is the case; but this Government has received no official communication to that effect.

2d. By diminishing the duties of the revenue officers by an increase of the magistrature, and a reorganization of the police.

Measures to effect this purpose have been proposed by this Government; but I fear, from the tenor of the Honourable Court's despatch, dated 23d of July 1856, Judicial Department, No. 12 of 1856, that they are indefinitely postponed.

3d. By

3d. By the concurrent passing of an Act for facilitating distraint both on the land and on personalty. An Act for this purpose, which has required time for full deliberation, is now in preparation. Fort St. George.

These were my views, and these would still be my views, were the circumstances the same.

But it appears to be concluded that definite instructions to draft an Act have been received from the Honourable Court.

It appears also to be considered that the framing such an Act is the test of the earnestness of this Government in the abolition of torture.

I, therefore, think that there is now but one course to pursue, and that it is incumbent on this Government to direct a draft Act against the abuse of authority by public servants, to be framed by the Honourable Company's solicitor, and to be forwarded to the Legislative Member at Calcutta, in order that it may be passed into law.

(signed) Harris.

Government House, 4 September 1856.

(A.)

FORT ST. GEORGE.

STATEMENT of CHARGES against PUBLIC OFFICERS for TORTURE.

Officers, and the Regulations under which they acted.	PERIODS.	In extorting Confessions in Criminal Cases.								In realising Revenue.								REMARKS.	
		No. of Cases.	No. of Persons.	Persons Acquitted.	Persons Fined.	Imprisonment.				No. of Cases.	No. of Persons.	Persons Acquitted.	Persons Fined.	Imprisonment.					
						Not exceeding One Month.	Not exceeding Two Months.	Not exceeding Three Months.	Not exceeding Six Months.					Not exceeding One Month.	Not exceeding Three Months.	Not exceeding Six Months.	Not exceeding 12 Months.		Not exceeding 15 Months.
Session Court - -	1856	1	2	2	-	-	-	-	-	2	5	-	-	-	-	1	2	2	No cases were tried before the Session Court in 1854 and 1855.
Subordinate Courts, under Sect. 7, Reg. X. of 1816 - -	1854	4	14	8	-	-	-	-	6	2	5	5	-	-	-	-	-	-	
	1855	10	21	15	-	-	-	1	5	5	5	2	-	-	-	3	-	-	
	up to July 1856	6	16	9	-	-	1	5	1	1	4	2	2	-	-	-	-	-	
Magistracy, under ditto, and Sect. 54, Act VII. of 1843 - -	1854	7	14	5	-	1	1	5	2	-	-	-	-	-	-	-	-	-	
	1855	3	11	2	1	-	2	3	3	4	16	2	8	4	1	1	-	-	
	up to July 1856	5	21	5	-	-	-	8	8	1	2	-	2	-	-	-	-	-	
Ditto, under Sect. 32, Reg. IX. of 1816 - -	1854	-	-	-	-	-	-	-	-	5	16	-	16	-	-	-	-	-	
	1855	2	5	3	2	-	-	-	-	6	10	1	9	-	-	-	-	-	
	up to June 1856	-	-	-	-	-	-	-	-	1	7	5	2	-	-	-	-	-	
Ditto, under Sect. 3, Regulation III. of 1819 - -	1854	51	164	134	30	-	-	-	-	20	44	26	18	-	-	-	-	-	
	1855	48	203	191	12	-	-	-	-	46	119	103	16	-	-	-	-	-	
	up to June 1856	9	35	35	-	-	-	-	-	5	15	15	-	-	-	-	-	-	
TOTAL - - -		146	506	409	45	1	4	22	25	98	248	161	73	4	1	5	2	2	

(signed) George, Register.

Although this return is headed "Torture," the laws under which the cases come are for abuse of authority by public servants. The punishments are light, not in consequence of the defect of the law, but from the difficulty of finding sufficient proof in the severe cases when they do occur.

It should be observed, that the extent of punishment which it is competent to the magistrate to inflict in such cases, is imprisonment for six months, with a fine of 200 rupees, commutable, if not paid, to a further period of imprisonment for six months.

This is the law.—*Vide* Sec. 54, Act VII. 1843, and Sec. 7, Reg. X. 1816.

Fort St. George.

MINUTE by the Honourable *Walter Elliot*, Esq.; dated 8 September 1856.

I HAVE read the Minute of the Right Honourable the President. It gives a clear and complete statement of all the proceedings of this Government in the matter of the report of the Torture Commission. I have only to express my entire concurrence in the views it contains.

I have no objection to the course proposed by his Lordship. But I must own that I do not expect any great advantage from the project of the law, for which application is to be made to the Legislative Council.

Of the complaints of abuse of authority and illegal violence received by the Torture Commission and referred to the local magistrates, and of those which have subsequently been brought to notice in the mofussil, amounting by the last return to about 90 cases, there has not been a single instance for the due disposal of which the existing law has been found insufficient. It is true a large proportion of the charges have been discovered to be groundless, but the number brought home by trustworthy evidence sufficed to test the efficiency of the existing law. I anticipate much greater advantage from the reform of the revenue laws, which has lately occupied so much of our attention. When the process of distraint and recovery has been simplified and rendered applicable to all cases of default, there will be less room for proceeding to illegal practices for collecting the public dues.

7 September 1856.

(signed) *Walter Elliot*.

(No. 1085.)

RESOLVED, That copies of the above Minutes be forwarded to the Honourable the Court of Directors and to the Government of India, by the next steamers.

2. Resolved also, That the Honourable Company's acting solicitor be requested to prepare for submission to the Legislative Council of India the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments. Mr. Boyson's attention will be given to the papers noted in the margin.* It is observed that a draft to the above effect was prepared by the Advocate-general, but not submitted to Government, for the reasons stated in his letter of 21st September last. If it be still on the records of his office, it might probably be referred to with advantage.

(No. 82.)

LETTER from *R. D. Parker*, Esq., Magistrate of Madura, to *T. Pycroft*, Esq., Chief Secretary to Government, Judicial Department, Fort St. George.

Sir,

UNDER the idea that some modifications of the law are under consideration, I have the honour to request that you will lay before the Right honourable the Governor in Council the enclosed statement of charges of abuse of authority by police officers, disposed of by the magistracy of Madura during the year 1854 and the first half of 1855.

2. The number dismissed will be seen to have been immense; and I have no doubt that a considerable proportion of them, besides those entered as false, were made without any foundation. This appears to me an evil of great magnitude. Not only are the persons accused put to much inconvenience, but the witnesses, composing a far greater number, are taken away from their homes and occupations without any advantage to compensate for the sacrifice; and their detention and

* Report of Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, 16 April 1855, p. 76; from Magistrate of Madura, 17 July 1855; from Magistrate of Bellary, 21 August 1856.

and length of journey are longer than in ordinary cases, because all charges against police officers are required to be examined by the European magistracy. It is certain that abuses of authority not unfrequently occur, which it is most desirable to investigate thoroughly, but nothing tends more to prevent the detection and punishment of real injustice and oppression than false and reckless accusations, which seem now to be much on the increase. Such charges spring from the very same spirit which prompts the native police officer to oppression, and are made, I have reason to believe, from the same motives. Bad and designing people incite others to make false complaints against the police, in order either to gratify revenge or to make them afraid to do their duty.

Fort St. George.

3. I would beg to recommend, as some check to the practice, that the power of punishment given to magistrates by section 35, Regulation IX. of 1816, for false petty complaints under sections 32 and 33 of the same Regulation, may be extended to false accusations under Regulation III. of 1819, the maximum period of imprisonment in lieu of fine being increased to one month.

4. The only present remedy is commitment for perjury; but to do this is generally useless, even when the falsehood of a charge is morally certain, inasmuch as it is nearly impossible in this country to prove a negative. Indictments for perjury are rarely successful, except where the party has given two contrary depositions on oath.

I have, &c.
(signed) R. D. Parker, Magistrate.

Madura, 17 July 1855.

STATEMENT of CASES of ABUSE of AUTHORITY disposed of by the Magistracy in 1854, and in the First Half Year of 1855.

1. YEAR.	2. AUTHORITIES.	3. Disposed of.		4. Punished.		5. Committed to the Court.		6. Dismissed.		7. Cases of Column 6 Dismissed as false.	
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1854 -	Magistrate - - - -	4	11	1	1	1	4	2	6	—	—
	Joint Magistrate - - -	73	96	6	6	- -	- -	67	90	15	15
	Paumben Magistrate - -	4	24	- -	- -	4	24*	—	—	—	—
	Head Assistant Magistrate -	3	3	1	1	- -	- -	2	2	—	—
	Assistant Magistrate - -	6	9	3	3	- -	- -	3	6	—	—
	TOTAL - - -	90	143	11	11	5	28	74	104	15	15
First half year of 1855 -	Magistrate - - - -	6	10	1	2	- -	- -	5	8	3	4
	Joint Magistrate - - -	21	35	4	6	- -	- -	17	17	7	8
	Paumben Magistrate - -	—	—	—	—	—	—	—	—	—	—
	Head Assistant Magistrate -	—	—	—	—	—	—	—	—	—	—
	Assistant Magistrate - -	3	4	- -	- -	- -	- -	3	4	—	—
	TOTAL - - -	30	49	5	8	- -	- -	25	41	10	12

* Court peons and village officer, in execution of a court process.

17 July 1855.

(signed) R. D. Parker, Magistrate.

Fort St. George.

(No. 546.)

ORDERED to be forwarded to the Advocate-general and the Government pleader, with reference to para. 20, of Extract Minutes of Consultation, 7 June 1855, No. 747.

Fort St. George, 1 August 1855.

(No. 33.)

LETTER from *C. Pelly*, Esq., Magistrate of Bellary, to *T. Pycroft*, Esq., Chief Secretary to Government, Judicial Department, Fort St. George.

Sir,

IN accordance with the instructions of Government, under date the 10th June 1856, I have the honour to report the following case of alleged torture.

The head of police of Madugseerah reported to me that two persons, Madigah Hoonsomah and Soobah, charged before him with cattle-poisoning, had complained to him that they had been tortured by Soobarow, the ammanny mootsuddy (moonsiff) of the village of Munnoor, in order to extort a confession from them. They said their fingers had been tied with a string, and bent back, and tied to their arm. The head of police reported that there were no marks to show that they had been thus ill-used, but he gave them a notice and direction to make their complaint to the magistrate.

On receipt of this report, I directed the head of police to ascertain whether the complainants had, as directed, left their village to prefer their complaint before me, and, if not, to send them with any evidence that was forthcoming. In reply, he reported that the complainants refused to prefer any complaint, and stated that they had no evidence to support their charge, and there the matter was dropped.

I would, however, take this opportunity of pointing out what appears to me an evil. The orders of the Foujdare Udalut direct that all cases coming under Section 3, Regulation III. of 1819, must be investigated solely by the European magistracy, and no interference whatever is permitted by the native police in such cases. Several years ago I was led into a correspondence on this subject with the session judge, and those instructions were confirmed. In order, however, to ensure as much as possible parties aggrieved obtaining redress, I then directed the heads of police to furnish any persons complaining of maltreatment at the hands of the police with a written notice, directing them to complain, if they chose, to the magistrate. But it must be obvious, that frequently parties will not put themselves to the inconvenience of travelling a long distance (as in the present case, about 100 miles) to the magistrate's court, where they must necessarily be detained a very long time, until the evidence is got and heard, and probably, after all, without being able to prove their charge. Moreover, witnesses summoned from such a distance, who, perhaps, either know nothing, or will probably say they are ignorant of the facts stated, are put to much inconvenience, and to no effect.

I would therefore suggest that it would be better, and tend to the furtherance of justice, were the tahsildars permitted on every occasion of a case of maltreatment by the police, or revenue authorities under them, being brought to their notice, to make a preliminary inquiry, and if there is evidence, to send the case up; and if not, to report it, leaving the complainants, if they think proper, to appeal against a dismissal of the accused by the head of police. As the law is now interpreted, heads of district police are exempted from all responsibility in cases of maltreatment, serious or petty, charged against any of their subordinate police officers, further than to inform the parties aggrieved that they must take their complaint to the magistrate.

Bellary, Magistrate's Office,
21 August 1856.

I have, &c.
(signed) *C. Pelly*,
Magistrate.

(No. 1086.)

LETTER from *T. Pycroft*, Esq., Chief Secretary to Government, to the Secretary to the Government of India.

Sir,

1. IN continuation of my letter to your address, under date 8th March last, Public Department, No. 269, I am directed by the Right honourable the Governor in Council to forward, for submission to the Right honourable the Governor-general in Council, the accompanying copies of the minutes, as per margin.*

2. Referring to the concluding para. of the minute by the Right honourable the President, I am instructed to state, that in the absence of the Advocate-general, the Honourable Company's acting solicitor has been directed to prepare for submission to the Legislative Council, the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments.

I have, &c.

(signed) *T. Pycroft*,
Chief Secretary.

Fort St. George, 9 September 1856.

EXTRACT Fort St. George, Public Consultation, of 25 November 1856.

READ the following Letter:—

(No. 1419.)

LETTER from *Cecil Beadon*, Esq., Secretary to the Government of India, to *J. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of your letter, No. 1086, dated the 9th ultimo, forwarding minutes by the Right honourable the Governor, and the Honourable Mr. Elliot, on the question of special legislation for the prevention of abuse of authority on the part of public servants in the Police and Revenue departments. Home Department.

2. Since the receipt of this communication, the Governor-general in Council has been put in possession of a copy of the Honourable Court's despatch to the Government of Fort St. George, in the Judicial Department, No. 14, dated the 10th September last, in accordance with the views expressed, in which the consideration of the draft Act now under preparation by the acting Company's solicitor at Madras will be proceeded with.

3. I am directed however to remark, with reference to those passages in the Governor's minute which are transcribed on the margin,† that the Governor-general

* Minute by the Right honourable the President, 4 September 1856; Minute by Honourable Mr. Walter Elliot, 7th idem.

† "But would the desired object be effected by heaping severe penalties on the officers of Government for their acts, improper ones no doubt, and unsanctioned, but still in some degree forced upon them in the performance of their duty?"

"I certainly did think that it would not altogether become this Government to make its native officers, a numerous and influential body, containing some of the wealthiest and most respectable men in every province, the objects for increased censure and the subjects of heavier penalties, without at the same time giving palpable evidence that they would be relieved from some of the difficulties with which their position was encumbered. I was of opinion that it would be more fitting the policy of a great government that a measure which should discourage every species of violence should be accompanied by the evidence of a publicly expressed disposition,—

"1st. To ameliorate the position of the taxpayers by a survey and assessment. Mr. Vernon Smith is reported to have stated that the Government of India have approved of the measures proposed by this Government on the subject. I have heard privately that such is the case, but this Government has received no official communication to that effect.

"2d. By diminishing the duties of the revenue officers, by an increase of the magistrature, and a reorganization of the police.

Fort St. George.

general in Council cannot agree in the opinion which he understands to be there expressed, that the practice of torture is a necessity, in some measure, forced upon the native officers by reason of the over-assessment of the land, or of the inability of those officers to perform the amount of work required of them, or by the inefficacy of the law of execution against person and property; nor can his Lordship in Council admit that the practice of torture by native revenue officers of Madras should be in any degree overlooked till the revenue and judicial systems of that Presidency are reformed.

4. The Honourable Mr. Elliot observes, that the existing law provides adequate penalties for torture, and that those penalties are now actually enforced whenever proof of a case of torture can be obtained. This is probably the case, but it cannot be rightly said that because the Government of India has not yet sanctioned a large increase of expense for the police establishments of Madras, there is any reason for not making revenue officers who cannot torture "objects of increased censure," and at any rate his Lordship in Council trusts that whatever be the effect, owing to the imputed defects of the revenue law, the existing penal law will be enforced with the utmost rigour, and in the most determined spirit against all persons guilty of torture, and especially against native officers of Government who abuse their powers in this manner.

I have, &c.

(signed) Cecil Beadon,

Secretary to the Government of India.

Fort William, 31 October 1856.

ORDERED, to be recorded.

EXTRACT, Judicial Letter from Fort St. George, dated 10 February 1857 (No. 3.)

2. By our despatch, in the public department, of 11th September last, No. 27, and the papers which accompanied it,* your Honourable Court will have been informed that the Honourable Company's acting solicitor was directed, under date 9th idem, to prepare for submission to the Legislative Council of India, the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments. We now beg to forward the correspondence† that has since transpired on this subject. Your Honourable Court will observe, that the member for Madras has deemed it unnecessary to submit the Bill prepared by the acting solicitor to the Legislative Council, because the subject had been fully considered by the Select Committee on the Penal Code, having in view the disclosures contained in the Report of the Madras Commissioners on the alleged use of torture, and their observations upon the existing state of the law.

"Measures to effect this purpose have been proposed by this Government, but I fear, from the tenor of the Honourable Court's despatch, dated 23 July 1856, Judicial Department, No. 12 of 1856, that they are indefinitely postponed.

3d. "By the concurrent passing of an Act for facilitating distraint both on the land and on personalty, an Act for this purpose which has required time for full deliberation, is now in preparation.

"These were my views, and these would still be my views were the circumstances the same."

* Letter dated 10 September, No. 14, of 1856. Review the despatch from this Government relative to the amendment of the law regarding abuse of authority by public servants; are of opinion that Legislative measures alone will not be sufficient, but that the English authorities should be accessible at all times to complaints of this nature; that they should be jealously on their guard against any combination amongst native officers to make common cause in extortion, or to shield those who have been guilty of acts of oppression or cruelty, and that if such a course be steadily pursued, the fact of the magistrate being also Collector of the district, need not stand in the way of immediate legislation; observe that it is probable that some of the provisions of the penal code, now in the hands of the Legislative Council, will meet cases of abuse; suggest that this Government communicate with the Council on the subject, but nevertheless think it expedient that a special Act should be passed; and intimate what should be the scope of that Act; insist on the most earnest attention of the authorities to the suppression of this crime, by the most effective means of punishment until a plan for the improvement of the administration be adopted; and desire that the subject may again be taken into immediate consideration.

† In Consultation, 25 November 1856, No. 1650; in Diary Consultation, 6 January 1857, Nos. 5 to 8; in Diary Consultation, 27 January 1857.

Fort St. George Judicial Consultation, 6 January 1857.

READ the following Papers:—

(No. 5.)

Read the following Letter from *J. R. Boyson*, Esq., Government Pleader, to *T. Pycroft*, Esq., Chief Secretary to Government, dated 24 November 1856, No. 18.

Sir,

WITH reference to the extracts from Minutes of Consultation noted in the margin, I have the honour to state for the information of Government, that after giving the subject much consideration, I am still of opinion that it would be more expedient to embody such provisions as may appear best calculated to provide effectually for the punishment of abuse of authority on the part of public servants, in the new Penal Code, than to make them the subject of a separate enactment; and that if the separation of revenue and police authority is still contemplated, it would be advisable to defer legislating for abuse of authority until such separation has been effected, and the new scheme has been finally determined upon.

M. C. dated 9 Sept.
1856, No. 1085,
Public Depart.
M. C. dated 30
Oct. 1856, No.
1185, Judicial
Depart.

The three principal objects to be attained by legislation are :

1st. Enabling the European magistracy to award a much larger amount of punishment for abuse of authority than they can now lawfully do.

2d. Making such punishment more summary, more speedy, and more certain than it now is; and,

3d. Giving to aggrieved parties the means of obtaining redress within a reasonable distance from their own homes, and thus removing the evil (now so seriously felt) that a party desirous of complaining of any abuse of authority on the part of a public officer must, in the majority of cases, travel a considerable distance (in some cases 80 or 100 miles, and even further) with all his witnesses, to a station at which a European magistrate may be located, for the purpose of preferring his complaint and having it investigated, and may be there detained for many days or perhaps weeks, involving the entire loss during this period of his own time and the time of his witnesses as well as the travelling and other expenses of a long journey, and the annoyance and inconvenience as well as pecuniary loss attendant upon it and upon the absence and detention from home of himself and witnesses. This state of things amounts virtually in very many cases to a denial of justice, for it can well be imagined that a party who has been aggrieved by the oppression of a public servant would rather submit to the wrong than incur the inconvenience, annoyance, expense, and loss which would be necessarily consequent, as the law now stands, upon his seeking redress.

The two first objects can be easily provided for; the last, and this seems to me the most important one, is the most difficult to deal with, for it involves the question, to whose (other than the European magistracy) jurisdiction in the matter can most safely be entrusted.

Under existing circumstances the only mode of attaining the third object will be by giving jurisdiction in the matter either to district moonsiffs or tahsildars.

The tahsildar is the head officer within his own local jurisdiction of both revenue and police, and is the officer who is most frequently charged with direct abuse of authority, and of sanctioning and abetting it in others; and it seems to me that it would be in the highest degree unsatisfactory to the people to refer them to him for redress, and that such an arrangement would not beget that confidence in public justice which it is the desire of Government to inspire.

District moonsiffs have not at present any criminal jurisdiction except when it is given them under Act XII. of 1854, and they have no control over the police. It will of course be essentially necessary to give such control to whoever is invested with jurisdiction under the proposed Act. Endeavours have been made during late years to raise the character and standing of district moonsiffs, and to secure efficiency by previous examination into qualification, &c., and this system must tend to the filling of these offices with a superior and more intelligent class of men than those who formerly held them.

Fort St. George.

No. 1.

I am of opinion that it would be far more expedient to invest district moonsiffs with authority to punish abuse of authority than to give that jurisdiction to tahsildars, and I have accordingly prepared and herewith forward for the consideration of Government a draft Act having this object.

The offence calls for severe punishment, and it may at first sight appear that, as compared with the authority which even European magistrates now possess under the Regulations, the quantum of punishment which by the draft Act (as I have prepared it) the European magistrates and district moonsiffs are empowered to award is unusually large. I see no objection whatever to giving these increased powers to the European magistracy, and looking at the appeal to the session judge which I propose to give, I do not consider that any evil or mischief is likely to result from entrusting district moonsiffs with authority to award that punishment which the Act provides for; and it seems to me that the risk, whatever it may be, must be incurred.

No. 2.

To provide for the contingency of Government determining not to invest district moonsiffs with authority to punish abuse of authority, I herewith forward a draft Act similar in its provisions to the draft above mentioned, but excluding those relating to district moonsiffs.

There is one other mode in which the third object above mentioned might be in some measure attained, viz., by giving tahsildars power to inquire into and report upon abuse of authority in the same manner as they are now authorised to do with reference to heinous offences under Regulation II. of 1816, section 27; but, for the reasons above stated, I do not consider such an arrangement expedient.

(No. 6.)

MINUTE by the Honourable *W. Elliot*, Esq.; dated 20 December 1856.

I HAVE already stated incidentally in a Minute dated 7th September 1856, that I consider special legislation for abuse of authority by public officers to be unnecessary, because the ordinary law has proved sufficient for all cases that have hitherto occurred, and I feel assured will be found equally so for such as may arise hereafter.

I can only repeat the same opinion on the present occasion.

Although Regulation III. of 1819, only empowers magistrates to punish police officers for abuse of authority or extortion by fine of 50 rupees or imprisonment for one month; the same officers are empowered under the more general and extended powers vested in them by section 54, Act VII. of 1843, to punish offenders by imprisonment to the extent of six months, and to fine not exceeding 200 rupees, and farther, should such penalties appear inadequate, to commit to the criminal courts under clause 3, section 3, Regulation III. of 1819.

The judicial powers vested in the magistrate may be delegated to his agents under sections 5 and 6 of Regulation IX. of 1816, so as to bring the means of redress more within the reach of persons suffering from such treatment, and the facility of redress is still farther extended by Act XII. of 1854, as regards petty cases of abuse.

Then as regards compensation for injuries sustained by persons who have been subjected to such ill-treatment, clause 2 of section 39, Regulation IX. of 1816, authorises a magistrate to award the whole or any portion of a fine imposed by him, to the sufferer.

With such provision for the punishment of these offences by the present law, with the early prospect of the enlarged jurisdiction to be conferred on subordinate criminal courts in the reform of judicial establishment now in contemplation, and with the more comprehensive scale of penalties provided by the Penal Code about to come into force, the application to the Legislative Council for an enactment, such as the one now drafted, appears to me to be a work of supererogation.

I must further express my objection to the recommendation contained in para. 10 of the letter to the member of the Legislative Council, to the effect that the sentence of the session court should be final.

Experience has shown that cases of this description demand a more than ordinary dispassionate and calm consideration. In more than one case of recent

recent occurrence the sentence of the sessions judge has been quashed on review by the Sudr. To take away such power of review will deprive a class of men especially liable to become the victims of conspiracy, of the scrutiny of that tribunal which of all others may be considered the best qualified to pronounce on the value of such equivocal evidence.

Fort St. George.

Act No. 1.

AN ACT to provide for the Punishment of Abuse of Authority on the part of Persons in the Service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies.

WHEREAS it is expedient to provide more effectually for the speedy punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies; it is enacted as follows :

I. Section 30 of Regulation XI. of 1816, and Regulation III. of 1819, are hereby rescinded.

II. The following words and expressions hereinafter used in this Act shall have the meanings hereby assigned to them ; (that is to say),

The expression "abuse of authority" shall mean and include any unlawful duress, constraint or violence used by or under the order or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, upon or towards any person whomsoever, and extortion and putting or attempting to put in fear, in order to extortion by or under the order or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, from any person whomsoever, of any confession, money or valuable consideration or thing.

The word "magistrate" shall mean and include any magistrate, joint magistrate, or assistant magistrate, having jurisdiction within the zillah in which any abuse of authority shall have been committed.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "month" shall mean calendar month.

III. Whoever considers himself aggrieved by any abuse of authority by or on the part of any person in the service of the said East India Company, and employed within the said Presidency, shall be at liberty to prefer a complaint in respect of such alleged abuse of authority to any magistrate having jurisdiction within the zillah in which it shall be alleged that such abuse of authority was committed, or to the district moonsiff within whose local jurisdiction the place at which it shall be alleged that such abuse of authority was committed shall happen to be, and the magistrate or district moonsiff, as the case may be, to whom any such complaint as aforesaid shall be preferred, shall forthwith inquire into and investigate the same.

IV. Upon conviction of any abuse of authority before any such magistrate as aforesaid, the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine not exceeding 1,000 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

V. Upon conviction of any abuse of authority before any such district moonsiff as aforesaid, the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 500 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

Fort St. George.

VI. Upon conviction of any abuse of authority before any such session judge as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour for a term not exceeding three years, or to a fine not exceeding 5,000 rupees, or to both; and every such conviction as last aforesaid, and the sentence or order thereupon passed, shall be final.

VII. Any person whomsoever, whether he shall be in the service of the said East India Company and employed within the said Presidency or not, who shall instigate or aid, abet or assist, directly or indirectly, in any abuse of authority punishable under the provisions of this Act, may be proceeded against and punished in the same manner and to the same extent as the person whom he shall have so instigated, aided, abetted or assisted shall be punishable under the authority of this Act.

VIII. When any fine shall have been levied under the authority of this Act, it shall be lawful for the session judge, magistrate, or district moonsiff by whom such fine shall have been imposed, to award the whole or any portion of such fine to the party who shall have been aggrieved by the abuse of authority for which such fine shall have been imposed, by way of satisfaction, for such injury.

IX. In any case in which a magistrate or district moonsiff shall convict any person under the provisions of this Act of any abuse of authority, an appeal against such conviction and the sentence or order thereupon passed, or against such sentence or order only, may be preferred to the session judge of the zillah in which such abuse of authority was committed, within 30 days from the date of such sentence or order, but not afterwards; and it shall be competent to such session judge, upon any such appeal, to quash such conviction, and to annul or alter such sentence or order, or to annul or alter such sentence or order only; provided nevertheless that such session judge shall not increase the punishment awarded by such sentence or order; and the decision of such session judge on any such appeal shall be final.

X. Any district moonsiff, acting under the authority of this Act, shall have the same powers and jurisdiction for procuring and enforcing the attendance of any person charged with any abuse of authority, and of convicting and committing to gaol any such person, and for procuring and enforcing the attendance of witnesses for the purpose of being examined relative to any such alleged abuse of authority, and of taking their evidence on oath or solemn affirmation as a zillah magistrate shall for the time being have in like cases; and all officers of police shall obey, give effect to, serve and execute all orders and process issued by any district moonsiff acting under the authority of this Act, in the same manner and to the same extent in all respects as they would obey, give effect to, serve and execute any order or process issued by any such zillah magistrate as aforesaid.

XI. In any case in which any person shall be charged before any such magistrate as aforesaid with any abuse of authority, and it shall appear to the magistrate by whom the case shall be investigated that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 500 rupees, or to both; and it shall be lawful for the magistrate by whom any such fine as last aforesaid shall have been imposed, to award the whole or any portion of such fine to the party complained against by way of amends.

XII. In any case in which any person shall be charged before any such district moonsiff as aforesaid with any abuse of authority, and it shall appear to the district moonsiff by whom the case shall be investigated that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding 250 rupees, or to both; and it shall be lawful for the district moonsiff by whom any such fine as last aforesaid shall have been imposed, to award the whole or any portion of such fine to the party complained against by way of amends.

XIII. All fines and penalties imposed by any session judge, magistrate, or district moonsiff under the authority of this Act, may be levied (in case of non-payment) in the manner provided by Act II. of 1839.

XIV. Whenever

XIV. Whenever any person shall have been sentenced under the provisions of this Act to imprisonment and fine, and such person shall become liable, under the provisions of Act II. of 1839, to imprisonment for non-payment of such fine, the imprisonment of such person as last aforesaid shall be cumulative.

Fort St. George.
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Act No. 2.

AN Act to provide for the Punishment of Abuse of Authority on the part of Persons in the Service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies.

WHEREAS it is expedient to provide more effectually for the speedy punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies; it is enacted as follows:

I. Section 30 of Regulation XI. of 1816, and Regulation III. of 1819, are hereby rescinded.

II. The following words and expressions hereinafter used in this Act shall have the meanings hereby assigned to them; (that is to say,)

The expression "abuse of authority" shall mean and include any unlawful duress, constraint, or violence used by or under the order, or at the request or instigation of any person in the service of the said East India Company and employed within the said Presidency of Fort St. George, upon or towards any person whomsoever; and extortion and putting, or attempting to put in fear in order to extortion by or under the order, or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, from any person whomsoever, of any confession, money, or valuable consideration or thing.

The word "magistrate" shall mean and include any magistrate, joint magistrate, or assistant magistrate, having jurisdiction within the zillah in which any abuse of authority shall have been committed.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "month" shall mean calendar month.

III. Whoever considers himself aggrieved by any abuse of authority by or on the part of any person in the service of the East India Company and employed within the said Presidency, shall be at liberty to prefer a complaint in respect of such alleged abuse of authority to any magistrate having jurisdiction within the zillah in which it shall be alleged that such abuse of authority was committed, and such magistrate shall forthwith inquire into and investigate such complaint.

IV. Upon conviction of any abuse of authority before any such magistrate as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour, for a term not exceeding one year, or to a fine not exceeding 1,000 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

V. Upon conviction of any abuse of authority before any such session judge as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour, for a term not exceeding three years, or to a fine not exceeding 5,000 rupees, or to both, and every such conviction as last aforesaid, and the sentence or order thereupon passed, shall be final.

VI. Any person whomsoever, whether he shall be in the service of the said East India Company, and employed within the said Presidency or not, who shall instigate or aid, abet or assist, directly or indirectly, in any abuse of authority punishable under the provisions of this Act, may be proceeded against and punished in the same manner and to the same extent, as the person whom he shall have so instigated, aided, abetted, or assisted, shall be punishable under the authority of this Act.

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VII. When any fine shall have been levied under the authority of this Act, it shall be lawful for the session judge or magistrate by whom such fine shall have been imposed, to award the whole or any portion of such fine to the party who shall have been aggrieved by the abuse of authority for which such fine shall have been imposed, by way of satisfaction for such injury.

VIII. In any case in which a magistrate shall convict any person under the provisions of this Act of any abuse of authority, an appeal against such conviction, and the sentence or order thereupon passed, or against such sentence or order only, may be preferred to the session judge of the zillah in which such abuse of authority was committed, within 30 days from the date of such sentence or order, but not afterwards; and it shall be competent to such session judge upon any such appeal to quash such conviction, and to annul or alter such sentence or order, or to annul or alter such sentence or order only; provided, nevertheless, that such session judge shall not increase the punishment awarded by such sentence or order: and the decision of such session judge on any such appeal shall be final.

IX. In any case in which any person shall be charged before any such magistrate as aforesaid, with any abuse of authority, and it shall appear to the magistrate by whom the case shall be investigated, that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding months, or to a fine not exceeding rupees, or to both, and it shall be lawful for the magistrate by whom any such fine as last aforesaid shall have been imposed, to award the whole, or any portion of such fine, to the party complained against by way of amends.

X. All fines and penalties imposed by any session judge or magistrate under the authority of this Act, may be levied (in case of non-payment) in the manner provided by Act II. of 1839.

XI. Whenever any person shall have been sentenced under the provisions of this Act to imprisonment and fine, and such person shall become liable under the provisions of Act II. of 1839, to imprisonment for non-payment of such fine, the imprisonment of such person as last aforesaid shall be cumulative.

(No. 7.)

ORDERED, That the Extract from the Minutes of Consultation, dated 24th December 1856, No. 1365, be recorded.

(No. 8.)

ORDERED, That the following letter be despatched.

From *T. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George; to the Honourable *D. Elliott*, Esq., Member of the Legislative Council of India for Madras, dated 24th December 1856, No. 1364.

Sir,

I AM directed by the Right honourable the Governor in Council to forward to you for submission to the Legislative Council the accompanying draft of an Act prepared by the Honourable Company's acting solicitor, for providing for the punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George.

2. In the Report on the alleged use of torture by the native revenue and police officers of the Madras Presidency, the Commissioners, para. 76, drew attention to the existing state of the law for the repression of the practices which they had been engaged in investigating. "The law," they stated, "appears to us both circuitous in its procedure, and deficient in its provisions for the prevention

tion and punishment of personal violence illegally administered by an abuse of authority. We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration as may be thought expedient, to the better consideration of the Right Honourable the Governor in Council." The Commissioners then recited those parts of the Regulations or Acts applicable to the Madras Presidency, bearing on the offence of abuse of authority on the part of native revenue or police servants.

Fort St. George.

3. The Government extract Minutes Consultation, 7th June 1855, No. 747, in their review of this part of the Commissioners' Report, resolved to request the Advocate-general and Government pleader to confer upon the subject, and to submit the draft of the Act which they would propose in amendment of the present law, to be applicable to all cases of abuse of authority committed by public servants or parties assuming to act as such, and either in the Police or in the Revenue department.

4. The Advocate-general, in his letter of 21st September 1855, represented that he and the Government pleader had experienced much difficulty in the preparation of such an Act as was desired by the Madras Government, and he suggested that the measure should for the present be suspended, on the grounds, first, that no really efficient measures could be carried out until the revenue and police agencies were wholly separated; and, secondly, that the subject of the proposed Act was peculiarly one that should be embodied in the forthcoming new Penal Code, rather than be provided for by special and independent legislation.

5. In this suggestion the Government acquiesced, but they were subsequently made aware that the views of the Advocate-general and Government pleader were not held valid by the home authorities, and they consequently desired the Honourable Company's acting solicitor, the Advocate-general having in the interim proceeded to England on medical certificate, to resume the consideration of the question and to submit the draft of an Act for the punishment of abuse of authority by native servants as early as possible. Subsequently to the issue of these orders they have further received a despatch, No. 14, of 1856, Judicial department, from the Honourable the Court of Directors, strongly expressive of the opinion that there was a call for immediate legislation on the subject.

Vide speech by the Right hon. T. Vernon Smith, in the House of Commons, 21 July 1856.

6. In deference to these sentiments the present draft is submitted. It appears to this Government well adapted to secure the end desired. There are but few points in it which it seems requisite to notice.

7. It will be observed that it is proposed to make the offence punishable, either by a magistrate or by a district moonsiff, but to allow the former to inflict a much heavier degree of punishment than the latter.

8. It seems clear that to confine the jurisdiction in these cases to the European magistrate must, in many instances, involve impunity, and consequently hold out encouragement to the offence. If any uncovenanted officers are to have jurisdiction, it can only be the district moonsiff, as the conferring such powers on the heads of police would be open to obvious objections.

9. Other points noticeable are that heinous cases committed by the magistrate or district moonsiff, to the sessions judge, are to be sent to that authority direct, and not through the intervention of the sub-judge or principal Sudr Ameen. It is to be presumed that European magistrates and district moonsiffs (which last now pass a legal examination), are able to get up committable cases in proper form, and that it is therefore unnecessary, and would only lead to delay, to have a second committing officer between them and the sessions judge.

10. Another point is, that in such committed cases the judgment of the sessions judge is final, as it may be presumed that sentence passed after the case has gone through two authorities rests on sufficient grounds, and should not be liable to be disturbed.

The Government, I am instructed to state, had allowed this part of the draft to stand for the consideration of the Council, but they do not approve it, experience having, as it appears to them, amply proved that there is no class of offences

Fort St. George. in which it is more requisite that the judgment of the lower court should, on good cause shown, be subjected to the scrutiny of the Foujdaree Adalut.

11. With these remarks I am desired, by the Right honourable the Governor in Council, to forward copies of the correspondence on the subject, as per margin,* and request that the draft, No. 1, submitted by the Government pleader (late Honourable Company's acting solicitor), with his letter of 24th ultimo, may be laid before the Legislative Council at your early convenience.

12. I am at the same time directed to forward copy of a minute upon the draft Act, recorded by the Honourable Mr. Elliot, who, it will be seen, questions the necessity for special legislation upon the subject.

Fort St. George, Judicial Consultation, 27 January 1857.

READ the following letter :

(No. 14.)

From *D. Elliott*, Esq., Member of the Legislative Council, to *T. Pycroft*, Esq., Chief Secretary to Government; dated Fort William, 8 January 1857, No. 78.

Sir,

THE Penal Code was read a second time on Saturday last, the 3d instant; and as it may be convenient to the Right honourable the Governor in Council to have copies of it in the form in which it was laid before the Council, with the clauses of the original Code, printed in a parallel column, to show the alterations proposed by the Select Committee, I have directed that two such copies shall be transmitted to you by this mail.

Yesterday I received your letter of 24th December, with the accompanying draft of an Act for the punishment of abuse of authority on the part of persons in the service of the East India Company, within the Presidency of Fort St. George, with reference to which, I have the honour to request you will submit to the Right honourable the Governor in Council the following observations.

The subject of the proposed Act was fully considered by the Select Committee on the Penal Code, having in view the disclosures contained in the Report of the Madras Commissioners on the alleged use of torture in that Presidency, and the observations of the Commissioners upon the existing state of the law, adverted to in the 2d para. of your letter.

The penal provisions which the Select Committee recommend to be enacted for the punishment of persons committing offences of the nature contemplated in the draft Act, as described in the definition of the expression "abuse of authority," will be found in clauses 31 to 34 and 50 and 51 of chapter 17 of the code relating to offences affecting the human body; and again in clauses 5 to 11 of chapter 18, under the head of extortion. It will be observed, that the clauses referred to do not apply peculiarly to public servants, but include persons being public servants in common with all men who commit the offences described. The illustrations to clause 33, chapter 17, it will be remarked, are all instances of torture so called. Two are cases of torture by police officers, the first to induce the confession of a crime, the second to induce a person to point out stolen property. One is a case of torture by a revenue officer, to compel payment of arrears of revenue. The last is the case of a zemindar torturing a ryot to compel him to pay his rent.

Section 6. The punishments provided in the Code are much heavier than those proposed in the draft Act. The maximum in the latter is imprisonment, with or without hard labour, for a term not exceeding three years, or a fine not exceeding 5,000 rupees, or both.

The

* Report of Commissioners for Investigation of Alleged Cases of Torture in the Madras Presidency, para. 76; extract Min. Cons. 7 June 1855, para. 21; from Advocate-general, 21 September 1855; extract Min. Con. 14 November 1855; Judicial despatch from Honourable Court of Directors, 10 September 1856, No. 14; from Government pleader, 24 November 1856.

The penalty in the Code for the offence of causing hurt for the purpose of extorting property, &c., is imprisonment of either description, rigorous or simple, for a term which may extend to 14 years, to which may be added an unlimited fine.

If the hurt be grievous, the offender may be sentenced to transportation for life.

Causing hurt for the purpose of extorting a confession, &c., is punishable with imprisonment of either description, which may extend to seven years, and if the hurt be grievous, to 14 years, and with fine to any amount

The wrongful confinement of a person for the purpose of extorting property, or a confession from him, is punishable with imprisonment of either description, which may extend to three years, and with fine to any amount.

Extortion is punishable with imprisonment of either description, which may extend to three years, or with fine, or both, and if the extortion is committed by putting the person in fear of death or grievous hurt, with imprisonment which may extend to 14 years, and must not be less than five, to which an unlimited fine may be added.

Putting a person in fear of an injury in order to the committing of extortion, is punishable with imprisonment, which may extend to two years, or with fine, or both.

Putting him in fear of death is punishable with imprisonment which may extend to seven years, and shall not be less than three, and with fine in addition.

Heavier penalties are provided for the offences described in clauses 10 and 11.

The Right honourable the Governor in Council will probably be of opinion with the Select Committee on the Penal Code, that the provisions they have made are sufficiently comprehensive, and that the penalties proposed for the offences indicated are adequate.

If his Lordship in Council would suggest any modifications, the opportunity will be afforded when the Penal Code is published for general information. In the mean time, I believe, the Legislative Council would be unwilling to entertain a Bill framed according to the draft Act, and, I trust, his Lordship in Council will approve of my not bringing it forward.

The provisions regarding procedure will fall to be considered in the course of the preparation of the code of criminal procedure.

ORDER thereon, No. 89 ; dated 22 January 1857.

(No. 15.)

RESOLVED, that the above letter and the correspondence to which it refers, be brought to the notice of the Honourable the Court of Directors, in reference to their despatch of the 10th September, No. 14 of 1856.

(signed) T. Pycroft,
Chief Secretary.

(True extract.)

(signed) D. F. Carmichael,
Deputy Secretary to Government.

Judicial Department, 10 June 1857.

Our Governor in Council, at Fort St. George.

OUR views on this subject have been fully communicated to you, in our despatch dated 10th September (No. 14) 1856. Should there be any great delay in the passing of the Penal Code, we think that you should again press on the member of the Legislative Council for your Presidency, the expediency of laying before the Council the draft Act prepared by the Government pleader. In the meanwhile we trust that you will rigidly enforce the execution of the existing law against the abuse of authority by public servants.

Public letter, dated 11 Sept. (No. 27) 1856, extract Judicial Letter, 10 Feb. (No. 3) 1857, para. 2. Abuse of authority by public servants.

We are, &c.

London, 10 June 1857.

(signed)

Fort St. George.

— No. 2. —

COMPLAINT OF ILL-USAGE AGAINST THE TAHSEELDAR OF BRAWAHDESEM,
OF TINNEVELLY.

EXTRACT Judicial Letter from Fort St. George; dated 10 April, No. 9 of 1856.

In Diary to Cons.,
28 Aug. 1855,
Nos. 10 and 11.

Para. 32. IN reporting upon a complaint of ill-usage, addressed to us by one Kylasa Pillay against the tassildar of Bhramadesem, and his peons, in the district of Tinnevelly, the magistrate solicited our instructions on the recommendation of the joint magistrate, by whom the inquiry had been made, that for reasons assigned, the sentence of dismissal, which should be passed under para. 9 of Government Circular dated 7th June 1855, be not carried out on the peons who stood convicted of the charge. In consideration of the recommendation made in favour of these peons, who were probably only instruments in the hands of others, we did not insist upon their dismissal, but directed that, in addition to the fine of three rupees each imposed upon them, they be suspended from their pay and duty for a period of six months.

(No. 811.)

To the Commissioners for the Investigation of Alleged Cases of Torture.

PETITION of Complaint respectfully presented by Kyala Pillay, of Umbo Samoodrum, attached to the Talook of Brawahdasem, in the Zillah of Tinnevelly, against Appah Moodelly, Tasildar of Soarnamadavee Talook, of the same Zillah, and his Peons, Koopoo Naicken, Jyasamy Naicken, Loobramaniah Pillay, Loobben Moottoosawmy Naicken, Teroovian Pillay, his son Erooluppen Pillay, and Danookooty, the watchman.

1. THIS tasildar having before him the notice of your Honor, dated 7th October 1854, tortured me in several ways on the 7th December 1854 and prior to it; the particulars of which are hereunder detailed, a perusal of which will convince to you the irregularities of this tahsildar.

2. I possess few nunjay lands in the talook of Soarnamadavee, and in Fusly 1261 I left the same to be cultivated for three years successively by seventh defendant, under deeds executed to each other, to the effect that 12. 5. 22. veray cootay should be paid to me yearly, including the Circar kist and sawmy boagum allowance thereof, and in obedience to which the seventh defendant was punctual for the first two years, but in Fusly 1263 he gave me only two veray cooty, sending word that the remainder will be paid in the next Pessannum crop.

3. This crop of the year falling short, owing to the fall of a less rain, the Circar estimated the crop of the country twice, and allowed the same to be reaped in the presence of Circar people; but this peon, without waiting him self to submit to such arrangement of the Circar, reaped and enjoyed the crop himself, to which neither my consent was obtained or the Circar rent was paid; and in Fusly 1264 the said lands being left uncultivated by the seventh defendant, I allowed the same to the cultivation of one Nullakunnoo. Out of 12. 5. 22. veeray cootay, which the seventh defendant agreed to pay me yearly, inclusive of Circar rent and sawmy bogum, he paid me only two veeray cootay for Fusly 1263, and the remainder is, according to the current rate of 5½ rupees for each veeray cootay, valued 53 rupees and odd, of which the Circar due is Rs. 22. 11, and the rest is due to me for sawmy boagum allowance. But 14 rupees and odd being already paid to the Circar by the seventh defendant, the remainder of the sist is in arrears against him; to enforce the collection of the same from me, the tasildar of Soarnamadavee sent a memorandum to the tasildar of Bramhadasesw talook, wherein I reside, and in consequence this tasildar sending for me, detained me in custody, and on his demanding of me the said arrears, I informed him that it is due by the seventh defendant; thereupon the tasildar of Bramhadasesem talook wrote the same to the other, and then the seventh defendant, who alone should discharge the arrears, paid three rupees for it.

4. Teroovian

4. Terooviam Pillay, the seventh defendant, being a tynat peon of Soarnamadavee tasildar, and his son, being the above tasildar's source of obtaining household things from villages without paying for them; my said tenant Nullakunnoo, who cultivates the said lands for Fusly 1264, was taken over, beaten, and detained in custody, and his females were also abused disgracefully. Therefore the said tenant came and informed me of this demand, and that he also informed the tasildar of the fact, from whom the said arrears is to be collected.

Fort St. George.

5. Subsequently, myself being detained in the talook cutcherry of Brawah-dasem, I sent my son, who is yet a minor, and my said tenant with a letter of the address of Soaranawadavee tasildar, requesting him to enforce the payment of the said arrears from his tynat peon. Even then the tasildar unnoticed my request, and again annoyed my said tenant to have the same collected from him. On whose coming again to me I went and demanded the said seventh defendant of his dues to the Circar and myself, to which he answered me that he will pay it by-and-by, and forthwith he went and informed of my arrival there to his said tasildar, who sent the fifth defendant to bring me to the tasildar, who annoyed and abused me disgracefully, and caused the defendants, with the exception of the fifth, to take and beat me in front of his cutcherry, exposing me to the sunshine in a stooping posture. The tasildar, some time afterwards, ordered his peons, the defendants, to take me moreover to the public street, which is to the east of his cutcherry, and through which the temple chariot use to pass, and there to beat and abuse me disgracefully, exposing me to the sunshine and the laughter of the mob throughout the whole day, in a stooping posture, with a load of heavy rock on my back. Thus starving myself the whole day, I was in the night delivered over to the close custody of the ninth defendant; then the Moozoomdar, who saw and heard my said sufferings with pity, paid himself 3½ rupees for the arrears in demand, and promised to pay the rest from his next pay. Not only I was thus tortured by the defendants for the arrears due by another, my tenant was also subjected to both the torture and loss of 150 rupees, in consequence of his house having been destroyed by fire, and his cultivation neglected during the time he was in custody, and in his way to inform me of what had happened to him. On my complaining to the Hoozoor against the defendants for their torturing me and my tenant, to whom was thereby caused such a severe loss, the Hoozoor, unnoticed my petition hitherto, referred it now to the said tasildar's inquiry, and it is left to the judgment of your Honors, that how justice can be rendered to me by that functionary.

6. Consequently it is requested, that after a thorough inquiry of the matter of this petition, your honours will take pity on me, and issue orders to the effect that the sum which is due to me by the said seventh defendant, both on account of kist and sawmy bogum, should be paid to me; and my said tenant and myself should be compensated both for the personal and property damages alluded to in the above.

Witnesses,—Bashcaravien, residing at Cushbah Soarnamadavee, Sangara Koottalum Pillay, Koopen Pillay, Appooda Naicken Pillay, Terooviam Pillay, Ananta Narrainen, Karoor Valoy ooden Pillay, Aroomooga Pillay, Dayevo Naiken Pillay, of Tinnevelly, Anunda Row Indvee, goomastah of the talook, Sadasiva Row, head goomastah, Narraina Pillay, Sumpretee Kallacoorhee Vencatasien, and others.

4 January 1855.

(signed) *Kylasam Pillay.*

Translated by T. Teroovengadachary.

(No. 811.)

FORWARDED to the magistrate of Tinnevelly for personal inquiry and disposal, and report.

Fort St. George, 8 June 1855.

(signed) *W. Hudleston,*
Deputy Secretary to Government.

Fort St. George.

EXTRACT Fort St. George Judicial Diary to Consultation of 28 August 1855.

RECEIVED the following letter :

(No. 169.)

From *C. J. Bird*, Esq., Magistrate, to *T. Pycroft*, Esq., Chief Secretary to Government, Fort St. George.

No. 10.

Sir,

Para. 1. IN returning Petition, No. 811, bearing the endorsement of Government, I have the honour to report that the joint magistrate inquired into the complaint of torture therein preferred, and convicted the tahsildar of Sharenmadavy and six of his peons, the former of having ordered the latter, and them of having obeyed the order to maltreat the petitioner, "but not in any way to cause him any severe or bodily injury, or that would have caused him more than temporary inconvenience," and considered it "very doubtful whether a stone was placed on his back or not." The tahsildar was sentenced to pay a fine of 20 rupees, and the peons fines of three rupees each, or in default to suffer one month's imprisonment.

2. In a separate letter, the joint magistrate says, "as the amount of ill-treatment alleged to have been sustained by Kylasem Pillay is proved to be greatly exaggerated, I beg to recommend that the sentence of dismissal which should be passed under para. 9 of Government Circular, dated 7 June 1855, be not carried out, as I am certain that the punishment awarded will effectually prevent the recurrence of such practices."

3. The proceedings of the joint magistrate having been reviewed by the sessions judge of Tinnevely, that officer coincided with the joint magistrate in the conviction of the peons, but annulled that part of his sentence which convicted the tahsildar, and directed that the fine imposed upon him should be refunded.

4. Under these circumstances I have the honour to solicit the instructions of Government, whether the peons who stand convicted should be discharged or not.

I have, &c.

(signed) *C. J. Bird*, Magistrate.

Tinnevely, Teucansey, 10 August 1855.

(No. 600.)

No. 11.

IN consideration of the recommendation made in favour of these peons, who were probably only instruments in the hands of others, the Governor in Council will not insist upon their dismissal, but directs that, in addition to the fine imposed upon them, they be suspended from pay and duty for six months, at the expiration of which time they may be re-employed.

Fort St. George,
27 August 1855.

(True extracts.)

(signed) *Geo. Taylor*.

Acting Deputy Secretary to Government.

EXTRACT Judicial Letter to Fort St. George ; dated 17 December (No. 19) 1856.

Letter from, dated 10 April (No. 9) 1856.

(32). Complaint of ill-usage by one Wylasa Pillay against the tahseeldar of Brahmadasew and his peons, in Tinnevely. The dismissal of the peons not insisted on, but their suspension from pay and duty for six months, in addition to the fine imposed on them, directed.

62. WE are of opinion that the punishment inflicted by the magistrate upon the tehseldar and his subordinates was very inadequate. The conviction recorded against the tehseldar, however, has been set aside by the session judge ; otherwise we should have ordered his immediate dismissal from office. We are at a loss to discover from the proceedings reported to us, upon what grounds the session judge remitted the fine on the tehseldar, whilst he upheld the conviction against the peons, who, it is stated, only obeyed the orders of their superior officer.

— No. 3. —

BY THE TEHSILDAR OF PERIAPOLIEM, ON CERTAIN WEAVERS OF
THAT DISTRICT.

Judicial Department, 10th June (No. 19) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

1. IMMEDIATELY on the receipt of your despatch in the Public department, dated 25th April 1856, No. 19, we called on the collector and magistrate of Chingleput, to submit the original documents required by the Right honourable the House of Lords, in the case of torture alleged to have been inflicted by the tehsildar of Periapoliem on certain weavers of that district; and we at the same time desired the judges of the Foujdaree Udalut, to forward the calendar of the magistrate disposing of the complaint preferred by the weavers against that functionary, together with any proceedings in review of the case which may have been held by themselves or by the session judge. In Rev. Cons.
27 May 1856.

2. We have now the honour to submit copies and translations of the under-mentioned papers, and to solicit your attention to the letter from the Collector of Chingleput, dated 5th instant, forwarding the order of the 5th July 1855, and explaining the circumstances connected with the whole case, as well as to the letter from the register of the Foujdaree Udalut, dated 2d instant, as to the proceedings taken by that Court in the matter.

From Foujdaree Udalut, 2d June 1856, No. 26, with the following enclosures :

- No. 1. Calendar of persons punished by the magistrate during the last quarter of 1855.
- No. 2. Extract Proceedings of the Session Court, dated 18th February 1856.
- No. 3. Letter from the Register of the Foujdaree Udalut to the Session Judge, 17th May 1856.
- No. 4. Reply of Session Judge, 28th May 1856, with a letter from the Magistrate enclosed.

From the Session Judge of Chingleput, dated 4th June 1856, with two enclosures :

- No. 1. Tamil record, consisting of nine documents, of the case of torture tried by the Magistrate of Chingleput, with translations of same, made by Government Translator.
- No. 2. Original Petition of the Weavers, dated 1st August 1855.

From the Collector of Chingleput, 5th June 1856, No. 3, with six enclosures : viz. :

- Extract Proceedings of Session Court of Chingleput, in a case which occurred in St. Thomas's Mount in 1854.
- Report of persons punished in 1854, by Mr. Shubrick, when acting Principal Assistant Magistrate of Vizagapatam.
- Report of persons punished in 1845 for extortion, and abuse of authority, by Mr. Shubrick, acting Principal Assistant Magistrate.
- Urree or Address from the Tehsildar of Peddapoliem to the Collector of Chingleput, dated 2d July 1855.
- Taked or Order sent by the Collector to the Tahsildar, dated 5th July 1855.
- Also, Copy of a Letter from the Magistrate of Chingleput, referred to in the above letter, dated 21st December 1855, with Extract Minutes of Consultation in the Judicial Department, 10th January 1856, No. 29.

Fort St. George.

Letter from Collector and Magistrate of Chingleput, dated 9th June, forwarding copy of sentence passed by him in a case of torture while Special Assistant in Vizagapatam.

We have, &c.
(signed) *Harris.*
Walter Elliot.
H. C. Montgomery.

Fort St. George, 10 June 1856.

P.S.—Since the above was written, we regret to find that it has not been possible to complete the translations of the vernacular documents in time to admit of their being sent by this mail. They will therefore be forwarded by the next mail.

Judicial Department, No. 20 of 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to the postscript to our letter to your Honourable Court of the 10th instant, No. 19 of 1856, we have the honour to transmit translations of the vernacular papers connected with the complaint of torture preferred against the tehsildar of Periapoliem, in the district of Chingleput.

We have, &c.
(signed) *Harris.*
Patk. Grant.
Walter Elliot.
H. C. Montgomery.

Fort St. George, 21 June 1856.

Revenue Department, No. 17 of 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WE have the honour to submit for your information copy of a letter from the Board of Revenue, dated 15th May last, giving cover to copy of correspondence on the records of their office, relating to a case of torture in the Chingleput district, together with copies of minutes recorded by the Right honourable the President and by the Honourable the members of Government, and an extract from the minutes of consultation containing the views of Government on the subject. The Board placed these papers before us in consequence of having observed in the newspapers of the day an allusion made to the subject by Lord Albemarle in the House of Lords, and in anticipation of a call from us for them.

2. It will be observed from this correspondence that extracts from the memorial of the Madras Native Association having appeared in the "Spectator" newspaper of the 13th March the Board of Revenue called on the Collector of Chingleput for an explanation of the circumstances. The result of this inquiry is shown in the documents forwarded, but we have not deemed it necessary to express any opinion on the subject, because the order of the Board of Revenue appeared sufficient in all the main points of the case, and because the case had not come before Government in such a shape as at all to require an order. In the usual course of business indeed it would not have come before Government at all, but considering it very desirable that in future Government should exercise supervision in such matters, we have directed the Board of Revenue to issue orders to the several Collectors and magistrates, and through them their subordinate officers, requiring that in all cases of alleged torture henceforward either in the Revenue or Police department, copies of the complaints and of all proceedings thereon shall be sent up to Government without delay.

3. We

3. We must however record our firm belief that nothing short of the measures already recommended by us to the Supreme Government for the improvement of the administration, can render it possible for this Government to put a stop to the practice of resort to illegal coercion in revenue and police matters, and particularly in the latter. Among those measures, we would more especially refer to the abolition of the moturfa taxes, the re-adjustment of the assessment on the land, the reorganization of the police, and the more extended employment of uncovenanted agency, all which were brought under the notice of the Government of India, and eventually under that of your Honourable Court on the dates noted in the margin.*

Fort St. George.

4. In your review of the Report of the Commissioners appointed to investigate cases of torture, your Honourable Court remark that we must chiefly look to the spread of education and to the general improvement of the habits and feelings of the population to the eradication of this detestable practice. This is true; but there can be no doubt, that if the circumstances of the taxpayers and of the tax collectors are improved, a much more rapid change in the habits of the population may be anticipated than can otherwise be looked for. The measures proposed for this object more particularly alluded to above, have long since been recommended by us, but as yet we have received no orders, nor has any notice been taken of those recommendations by superior authority; it is however most important at the present time that this Government should be vested with power to act on them at an early period, and we beg again to press on your earnest attention those measures of reform previously suggested by us.

Public despatch,
12 Sept. 1855,
No. 44, para. 17.

5. The Honourable Mr. Elliot, it will be observed, considers the measures proposed, desirable as they are, to be insufficient to check the practice as regards the Revenue department. One of the greatest evils of the present fiscal administration, he remarks, consists in the settlement of the demand annually, which necessitates frequent inspections of the lands under cultivation, and interference with the cultivators by the ill-paid subordinate officials; and he suggests as an alternative, a settlement with the ryots for terms of years, whereby the whole class of inferior servants now employed in the examination of details may be dispensed with. We do not deem it necessary to go into the question raised by Mr. Elliot, as although we fully concur in the advisability of preventing as far as possible the constant interference of officials with the occupiers of the soil, and our plan of a revenue survey and re-assessment comprehends measures designed with that view, we are not prepared to discuss the merits of the change suggested, especially when doubting the feasibility of bringing the plan directly and at once into operation. We refer you more particularly to the views expressed on this point in his Lordship's minute of the 31st May.

Ex. Min. Cons.
14 Aug. 1855,
No. 951, paras.
28 and 2.

We have, &c.
(signed) *Harris.*
Walter Elliot.
H. C. Montgomery.

Fort St. George, 10 June 1856.

To *C. J. Shubrick*, Esq., Collector of Chingleput, &c. &c. &c.

THE humble Petition of the undersigned Weavers of Commarapettah, of the Periapallum Talook in the Zillah of Chingleput.

Humbly sheweth,

That the subject of their petition is such as to require your mature deliberation, and deserving of the redress for which they now pray. The subject of torture is

one

* To Government of India, 26 May 1853, No. 572; to Government of India, 14 August 1855; to Honourable Court, 11 October 1855, No. 44; to Government of India, 14 August 1855, No. 31; to Honourable Court, 20 October 1855, No. 32; to Government of India, 13 August 1855, No. 949; to Honourable Court, 25 September 1855, No. 42.

Fort St. George. — one which has excited so much attention lately, as to call for a special commission to investigate it; notwithstanding it is still resorted to to enforce a demand which your humble petitioners submit is not just.

Remark by the Session Judge—
This is not alluded to in the depositions on oath.

Remark by the Session Judge—
This is not alluded to in any way in the depositions on oath, nor has this part of the charge which refers to the 27th July been investigated.

Remark by the Session Judge—
Not so by the depositions on oath.

Before the expiration of Fusly 1264, which came to a termination on the 30th June last, the tasildar, zilladar, peons, &c., whose duty it is to collect the revenues, came to your humble petitioners and demanded the payment of the kist. But on that occasion, though your humble petitioners pleaded poverty, the Circar servants above named pressed them so much as to extort from them bribes, on which consideration they allowed your humble petitioners a short respite. Your humble petitioners believed that the respite would continue sufficiently long to enable them to procure the necessary amount to meet the demand against them; but, on the 27th ultimo, the tasildar of the Pareapollum talook sent eight peons to bring your petitioners to his presence; fourteen of them arrived at their destination on Friday morning, at about eight o'clock, when they were abused and otherwise maltreated. They were made to stand the whole day exposed to a burning hot sun. You are aware of the excessive heat which prevailed lately, even within doors; you can easily judge, therefore, what their pain must have been while exposed to the sun. Their thighs were pinched in a most painful manner. They were made to stoop down, and while in that posture they had to bear the weight of one man on the back of each. Some of them were knocked down upon a dung-hill hard by, and they were designedly besmeared all over with cow-dung, which emitted a most offensive smell, very distressing to bear. All this, and many other modes of annoyance, they had to suffer from early in the morning till 10 o'clock in the night; all which time they were made to starve, denying them even a drink of water to slake their thirst. When their meals were brought to them, they allowed them at 10 o'clock in the night to eat, but for that purpose they assigned them a place which is used as a privy. They remonstrated long and earnestly, and they were at last allowed to go away under the surveillance of peons. The following day being Saturday, 28th ultimo, the tasildar took them to their own village, and bringing with him a great many people to assist and defend him, repeated the same outrages upon them, but with greater cruelty and malice. At this time, so great were their sufferings, that one man, compassionating the pitiful state of bodily and mental anguish to which the unfeeling and fiendlike tasildar had reduced them, voluntarily offered to pay the money claimed; but of course the honest tasildar rejected the offer with indignation and scorn, and got him turned out of his presence. The little money which they had, had been taken from them, taxing them with the payment of batta to the tasildar and his myrmidons during the days they were engaged in all the sharp practices above described, though but in part.

Remark by the Session Judge—
On oath it is stated they had no marks even of violence.

Under these circumstances, as they really have no money, and it is not possible to draw blood out of a stone by any process short of miracle, your humble petitioners humbly and earnestly solicit that they may be allowed a reasonable time to pay their dues, and be mercifully secured from the clutches of the tasildar and his assistants; so great was the cruelty they endured, that many of them are suffering till the present day, and unable to stir from their houses; they are suffering besides from the want of means of support, being separated from their families and other sources of assistance; many have even left the village and absconded, and it is highly questionable if they will ever return; they therefore beg that they be allowed a short respite till they are capable of finding the wherewithal to satisfy the kist.

For which act of benevolence your petitioners, as in duty bound, shall ever pray.

[Here follows eight signatures in the native character.]

1 August 1855.

(signed) C. J. Shubrick.

DEPOSITION given before the Magistrate by Sowduppen, son of Chengulva Chetty, of Rolluppady, in support of the complaint preferred by him for himself and five others, including one Ragava Chetty, against the Tasildar.

Fort St. George.

Oath was administered according to the Act.

Q. State the circumstances about which you and others have preferred a complaint against the Tasildar of Pareyapalayem?—A. I do not recollect the date, but on a Friday in the month of Audy, the peon Moonesawmy, and the duffadar Mookoonda Naicker came to my village,* and saying that the tasildar wanted us, took us, and left us before the Tasildar Seenevasarow at Pareyapalayem. The persons who so appeared before the tasildar were Vencuttaisun, Naul Gooroonappen, Naul Moonesawmy, a substitute peon, Chengulvaroyen, Naul Boady Chetty, Naul Bedoo Chetty, Naul Veerasawmy, Yerra Sooboo Chetty, Cantum Vailrooloo, Vencattasawmy, Veeramooshtemoottoo and Naul Gooroonuppen and myself. As soon as we went to the tasildar, he asked us to pay the balance of the loom-tax. We promised him to pay the sum of 50 rupees. He said that half of the balance due by the whole village, 100 rupees and upwards, must be paid. We told him that we had no means to pay it then; at which the tasildar ordered us to be kept in a bowing posture in the sunshine. It was about eight o'clock in the morning. The peon Moonesawmy Naicken and Mookoonda Naicken came and kept us all to be stooping down in the sunshine in the street, in front of the Chetty Chuthum, in Pareyapalayem. We were stooping down in the same posture till eight o'clock at night. We were not allowed to take our meals. When we asked leave to go to take our food, he told us to go after paying the money. We were allowed to go and take our meals about 10 o'clock at night. We took our food, and remained in the cutcherry, under the custody of the peons. On the next morning, we were carried to Rolluppady, and forced to stand in the sunshine in the street of the village moonsiff. At about four o'clock in the evening, he ordered the peons to pinch us on our thighs. The peon Mookoonda Naicken held both of my hands; a Mooselman peon, whose name I do not know, pinched my thigh; Moonesawmy Naicken gave me a blow on the neck. Ebooram and some other peons, whose names I do not know, joined together, and treated me as stated above. They let us go after we paid the money. None of us were wounded (*i. e.* had marks of violence upon our persons).

* Rallapoody.

Remark by the Session Judge—Quite impossible.

Remark by the Session Judge—These names do not correspond with those mentioned by Cowden.

How did you pay the money at the time?—Our females being unable to endure seeing us ill-treated, disposed of the articles in their houses, by sale and mortgage, and brought and gave us money, and we paid it.

What did the peon Audum Kan do?—He ill-treated Soobhoo Chetty.

(marked) Sowduppen.

Solely affirmed before me, this 23d day of August 1855.

(signed) C. J. Shubrick.

DEPOSITION given before the Magistrate of Chingleput by Vencattasawmy, Son of Vunneappen, of Coomarapettah of Mootteryah; Caste, Vistnoo; sect, a Cultivator; and aged about 40, and a Witness.

Oath was administered to him according to the Act.

Q. Sowduppen and others have preferred a complaint, stating that they were ill-treated by the tasildar of Pareyapalayem in collecting arrears of tax; state what you know of the truth of the matter?—A. I do not recollect the date and month, but 10 days ago, about noon, there was a noise near the house of Navoo Gooroonappa Chetty, the village moonsiff, situated at a little distance in front of my house. I looked at this standing in the street of my house. The tasildar was holding cutcherry at the time on the outer pyal of the said Gooroonappa Chetty's house.† In the front of the house, and at the distance of 10 fathoms in the street, there were kept more than 10 persons in number, stooping down in

† Remark by the Session Judge.—This was at Rolla-poody.

Remark by the
Session Judge—
These complainants
were inhabitants of
his village.

the sunshine. I did not know who they were, but I saw Sooboo Chetty and Ragava Chetty, now before the (magistrate) court, stooping down among them. Peons were pinching the said two individuals on their thighs, at two peons to each. They cried out, alas! alas! I did not know the peons that pinched them, nor did I see the other persons being ill-treated by the peons, as stated above, for I went away afterwards; nor did I hear the tasildar order the peons to conduct themselves in the above manner. Many females and children were looking on at the time in the street; nor did I see the village moonsiff Gooroonuppa Chetty present there.

Remark.—The tasildar had no question to put to the deponent.

(marked) *Vencattasawmy.*

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

DEPOSITION given before the Magistrate of Chingleput, by Cundum, Son of Aundeappen of Rollapandy, of Palayagar; caste, Vishtnoo; sect, a Peon; and aged about 30 years, and a Witness.

Oath was administered according to the Act.

Remark by the
Session Judge—
This does not cor-
respond with Ven-
guppa Chetty's
statement.

Remark by the
Session Judge—
Vide complaint.

Q. A complaint has been preferred by Sowduppen and others now before the (Magistrate) Court, stating that they were ill-treated by the tasildar of Pareyapoluyem, on account of some arrear of rent due by them. State what you know of the truth of the matter?—A. About 20 days ago, one morning about six o'clock, I and one Venguppa Chetty, went to the house of Gooroonuppa Chetty, opposite to that of another Gooroonuppa Chetty, the village moonsiff of Rollapady, for asking a debt due by him. The tasildar of Pareyapalayem was holding his cutcherry at the same time on the street pyal of the house of the said village moonsiff. Sowduppa Chetty and others, now before the (Magistrate) Court, were kept in a stooping posture in the street of the said house. The peon Moonesawmy Naicken, and Mookoonda Naicken, whom I now point out, were with the complainant and others at the time. Some other peons, whose names I do not know, were in the act of bringing and leaving there certain individuals. When Mootoneerummam, the wife of Gooroonuppa Chetty, to whose house we went, handed over then a "rettaygoondattegay," or a neck ornament, to Venguppa Chetty, saying that her son also was undergoing an ill-treatment for a balance, and requested him to get and give money for it. The said Venguppa Chetty received the jewel, and went to the tasildar, and told him that he would pay money within three days to the person to whom it may be ordered to be given; that the said persons should therefore be set at liberty, and that he would mortgage the said jewel till that time. The tasildar said that he was not a merchant, and told him to go away. The said persons were kept in the same posture till the noon; and when the tasildar went to take his meals, he let the complainant and others go to take their food. On the return of the tasildar, after taking his meals, the complainant and others were again made to stoop down in the street as before; and the tasildar bade his peons pinch their thighs. the peon Moonesawmy and Mookoonda Naicken pinched Sooboo Chetty, Ragava Chetty, and Sowduppa Chetty, each at their thighs; and it was after they had agreed to pay the money they were set at liberty. I did not see the peons pinch the other persons' thighs. All were set at liberty after they paid the money. The village moonsiff Gooroonuppa Chetty was with the tasildar.

(marked) *Cunden.*

Remark.—Tasildar had no question to put to the deponent.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

DEPOSITION given before the Magistrate of Chingleput, by Vencattachella Chetty, son of Angoo Chetty, of Mungalum, of Chetty caste, Vistnoo sect, a merchant and a cultivator, and aged about 40 years, and a Witness. Fort St. George.

Oath was administered to him in accordance to the Act.

Q. A COMPLAINT has been preferred by Sauduppen and others now before the (magistrate) Court, charging the tasildar of Pareyapolayen with having ill-treated them in the collection of balance of revenue. State what you know of the truth of the matter?—A. About a month ago, i. e. in last month, I went to the house of one Gooroonuppa Chetty, which is opposite to that of the village moonsiff, in Rolluppady, to demand payment of the balance of a debt. When the wife of the said Gooroovauppa Chetty told me that the tasildar had pressed her for payment of a balance of the tax on loom, and desired me to get and give her some money, I said I had no money, at which she gave to me an addeay, or neck ornament, which I gave to another person, and getting from him seven rupees, gave the same to her. She gave that sum to the cirkar, through her son Chungely, and got him set at liberty. Some other females in the village came and told me that their husbands were undergoing ill-treatments, and that money should be paid for it. I went and saw the tasildar holding cutcherry on the street pyal of the village moonsiff's house. The complainants and others were placed in a stooping posture in the sunshine in front of it. Peons were beating those who refused to keep in a stooping posture. I do not know the names of those peons; they are not present here. I did not see the peons now before the cutcherry beat any one. I went and told the Curum Palayutta Pillay that I would deposit certain gold ornaments as security for the payment of the money. I offered myself to be answerable, and also promised to bring and pay the money in course of three days. On which the said Curum and Audumkan went and informed the circumstance to the tasildar, when the tasildar bade me go away. Afterwards I went to take my meals and returned; the tasildar also went for the same purpose. On his return, after taking his meals, he ordered the peons to pinch the complainant and others on their thighs. In obedience to his said order, the peons, three or four in number, joined together and ill-treated the complainant and others, who were exposed to the sunshine; two of them (peons) pinching their thighs, one seizing hold of their hands, and one giving blows on the neck and pressing them down. I do not know the names of those peons; they are not present here. Owing to the above ill-treatments they disposed of their jewels, and articles, &c. by sale and mortgage, and paid the money. The village moonsiff continued coming and going. The peon whom I now point out, named Moonesawmy, was ill-treating the complainant and others, in company with the other peons. The complainant and others were not sent to take their food till the evening.

Why was not the woman examined?

This does not correspond with the statement of Cundun.

He said before none of the peons were present. Cunden states they were allowed to go about noon and take their food.

Remark.—The tasildar had no question to put to the deponent.

(signed) *Chuckaray Vencattachella Chetty.*

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

(No. 2.)

Before the Magistrate of Chingleput.

I, SAVOODUPPEN, son of Rallapandy Cheagulva Chetty, hereby depose, on behalf of myself, Ragava Chetty, and four others, residing at Rallapandy, regarding the complaint preferred by us against the Tehsildar.

Sworn according to the Act.

Q. RELATE in detail the circumstances what took place in the matter of the complaint preferred by yourself and others against the tahsildar of Periapolliam talook?

117—Sess. 2.

K

—A. I do

Fort St. George.

—A. I do not recollect the date, but on a Friday, in the month of Andee, peon Moonesawmy and Duffadar Mookoondoo Naik came to our village, and saying that the Tahsildar Sreenwassa Rao, who was at Periapolliam, wanted us, carried us before him.

The persons who so went before the tahsildar were myself, 1; Vencatasew, 1; Nabn Goorooruppa, 1; Nabn Moonesawmy, 1; Chengulwyen, 1; Nabn Potte Chetty, 1; Naboo Beeke Chetty, 1; Naboo Veerasawmy, 1; Yerra Soobboo Chetty, 1; Cotton Vennilu, 1; Vencatasawmy, 1; Veeramooshtee Mootoo, 1; Nabn Goorooovuppa Chetty, 1. As soon as we arrived the tahsildar ordered us to pay the balance of the loom tax. We said we would pay 50 rupees; but the tahsildar said that we must pay a moiety of the amount; viz., 200 rupees and odd, due for the whole village. When we replied that we were not then able to do so, he ordered us to be placed in a stooping posture in the sun. It was about eight o'clock in the morning when the peon Moonesawmy Naik and Mookoondoo Naik came and made us all stoop in the sun, in the street, opposite to Chetty's choultry, in Periapolliam; we were in the same stooping position until eight in the evening. They did not even let us go to our meals; when we asked leave to go to our meals, they said that we could go after we had paid the money. At 10 o'clock at night we were sent to our meals, and when we had finished, we were placed in the cutcherry, under the custody of peons. On the next morning we were taken to Rallapandy, in the same manner, and made to stand in the sun in the street in which the moonsiff's house is situated; and, moreover, at four in the evening, he (the tahsildar) ordered the peons to pinch us on our thighs. The peon, Mookoonda Naik, took hold of both of my hands; a Moosulman peon, whose name I do not know, pinched my thighs; and Moonesawmy Naik thumped me on my neck. These and some other peons, whose names I do not know, combined, and treated us all as above described. After we had paid the money they set us at liberty. None of us received any wounds.

Q. Whence did you obtain the money that you paid?—A. Our females, unable to bear the sight of our sufferings, sold and mortgaged the chattels in the house, and brought us the money, which we accordingly paid.

What did the peon, Adam Khan, do?—He ill-treated one Soobboo Chetty.

(Mark of) *Savoodappa Chetty*.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick*.

(No. 3.)

To *C. J. Shubrick*, Esq., Magistrate of Chingleput.

URZEE humbly addressed this 23d August 1855, from Sydapet, by
C. Sreenooassa Rao, Tahsildar of Periapolliam Talook.

I WAS surprised when I saw the hoozoor order, No. 136, dated 17th instant, and beg to make the following representation on the subject therein alluded to; a perusal of the same will convince your Honor of the true state of things.

Arrears of the loom tax for Fusly 1264 last, amounting to 210 rupees and odd, having been due by certain individuals in Rullapully village, attached to this talook, I called upon the defaulters personally several times, both before and after the expiration of Fusly 1264 to pay up the said arrears; and also sent takeeds to the zilladar and watching peon to collect them; but the defaulters, although the year had expired together with a month of the new Fusly 1265, had not paid the arrears within the time within which they had promised to do so. I therefore sent a strict order to the zilladar of the locality to collect them, and he and the watching peons made a report, stating that, upon their demanding the balance, the weavers had agreed to pay 50 rupees, of which 30 rupees in cash had been realised; that the zilladar had left orders with Nanboo Goorooovuppa Chetty, the putta maneagar, and the moonsiff of the said village, to levy and remit the remainder; that the said maneagar had accordingly collected the remainder, and applied it to his own private use,
and

and suggesting that he should be examined and punished. Thereupon I went to Periapolliam on the 27th June, and having examined and taken depositions from the moonsiff and puttah maneagar, Nanboo Goorooappa Chetty, and from some others who owed balances, I addressed an urzee on 2d July 1855, and requested an order permitting me to punish the said moonsiff for having misappropriated about 30 rupees which had been realised, and to recover the said sum from him by distress on his property. In reply to this, I received an order, dated 5th July 1855, directing me to proceed immediately to the said village, and collect the arrears; and stating that a further order would be issued regarding the punishment of the moonsiff. Pursuant to this takeed, I went to Periapolliam on 27th July, and after sending for the weavers who owed balances of the loom tax, their village, Rallapully, being in the immediate vicinity, demanded them to pay up what was due; but they requested to be allowed 10 days more, on the ground of their inability to pay the money. I refused, however, to give them further time, explaining that the fusly as well as a month of the new year had elapsed, and that they must therefore pay it up at once. I then ordered the acting duffadar, Mookoondoo Naiken, and peons Moonesawmy, Jayram, and Adam Khan, to collect the money from the defaulters; but none paid the money in that village, and most of them said that if they went to their own village they would produce it. Thinking that if I went to their village, Rallapully, and did my best, the balances would be realised, I proceeded there the next day, 28th July, with my cutcherry, and on my insisting upon payment being made, they all, with the exception of a few, discharged their balances before evening. About 160 rupees were collected; but certain others, against whom there was a balance of 50 rupees, concealed themselves; those who paid took leave, and instantly went away. After remitting the money collected, I went the next day, 29th, to Chinnamadoo with my cutcherry, to collect others' arrears of revenue. This is what really took place, as I had collected arrears which they had delayed paying, because they thought that the Government were about to abolish the loom tax; and as I had addressed an urzee to your Honor on the 8th August, requesting that the said moonsiff and puttah, and maneagar, who belongs to the weaver caste, might be punished for having embezzled the 30 rupees and odd he had collected; entertaining enmity against me, and instigated by certain evil-disposed persons, they have preferred this false charge, alleging things that never occurred, and this with no other view than to bring me into disgrace. I did not order the complainant and others to be kept in the sun in a stooping position, nor thighs to be pinched, as they were standing in the place where I was holding my cutcherry; the peons certainly did not do so. The complainants have bribed some coolies to give evidence in the case. These facts will be evident to your Honor if you peruse the urzee above mentioned, which I have addressed to you at different times. If necessary, your Honor can examine, as witnesses for my defence,—

- 1st. Palayetha Pillay, another puttah maneagar of the said village.
- 2d. Koodookhan Sahib, a hoozoor delayet. And,
- 3d. Peons Jayram, who were then present at the time, and will fully prove the charge to be false.

(signed) *C. Sreenevassa Rao*, Tahsildar.

(signed) *C. J. Shubrick*.

(No. 4.)

Before the Magistrate of Chingleput.

DEPOSITION given by me, witness Conden, son of Audeappen, aged about 30 years, of Poleagar caste, Vishnoo sect, living by service, and residing at Rallapandy.

Sworn according to the Act.

Q. SAVOODUPPEN and others, who are now before the Court, have preferred a complaint against the Periapolliam tahsildar of oppression in collecting the balance due by them; state the true facts, as far as you know them?—A. About

Fort St. George.

20 days ago, on a certain day, at six in the morning, myself and one Venkappa Chetty went to Rallapully, to the house of one Gooroovappa Chetty, opposite to that of another Gooroovappa Chetty, the moonsiff, to collect a certain debt, when the tahsildar of Periapolliam was holding his cutcherry on the street pial of the moonsiff's house; Sauvoduppa Chetty and others now before the Court were bent down in a stooping posture in the street of the moonsiff's house. The peons Moonesawmy Naiken and Mookoonda Naiken, whom I now point out, were there with the complainant and others, and besides them some other peons, whose names I do not know, brought certain other individuals, and left them there. Moottooveerummam, the wife of Gooroovappa Chetty, to whose house we went, came, saying that her son also was being ill-treated on account of a balance, and brought an ornament called "Rettagoondoo Addegay," requesting us to lend her some money upon it. One Venkaya Chetty took the ornament, and went and told the tahsildar that he would undertake to pay the balance due by certain individuals in three days, and requested that they might be released, and offered to deposit the ornament till then; thereupon the tahsildar told him to go away, saying he was not a merchant, and after detaining the complainant and others until now, he then went to his meals, and sent the complainants to theirs also; after the tahsildar had returned from his meals, the said complainant and others were again placed in the street as before. The tahsildar also ordered the peons to pinch their thighs: hereupon the peons Moonesawmy and Mookoondoo Naiken began pinching the thighs of Sooboo Chetty, Ragava Chetty, and Savoodiah Chetty, each pinching one leg, until they agreed to pay the balance, upon which they let them go. I did not see the peons pinching the other individual's thighs. They were all released after paying the balance.

The moonsiff Gooroovappa Chetty was with the tahsildar.

(marked) *Conden.*

Note.—The tahsildar has no questions.

Solemnly affirmed before me this day, the 23rd day of August 1855.

(signed) *C. J. Shubrick.*

(True translation.)

(signed) *C. F. Chamier,*
Tamil Translator to Government.

(No. 5.)

Before the Magistrate of Zillah Chingleput.

DEPOSITION given by me, witness Vencatasawmy, son of Nyniappen, aged about 40 years, of Moottria caste, Vishnoo sect, living by cultivation, residing at Commarapet.

Sworn according to the Act.

Q. STATE the truth, as far as your knowledge goes, in the matter of the complaint of oppression, in the collection of arrears of rent, preferred against the tahsildar of Periapolliam, by Savooduppen and others now present in Court?—
A. I do not recollect the month and date, but about ten days ago, one day a little before noon, there arose a noise near the house of the moonsiff Nara Gooroovappa Chetty, situated a little distance opposite my house. I stood and looked from my side of the street, and saw the tahsildar holding cutcherry on the pial of Gooroovappa Chetty's house. In the front, at a distance of about 20 yards, more than ten persons were kept in a stooping position in the street, exposed to the sun. I did not know who they were, but I observed that Soobboo and Rasappa Chetty, who are present in Court, were among the number kept in that posture. Each of these persons was being pinched on both his thighs by two peons, and was crying out, "Ayo! ayo!" I did not know the peons who were pinching them. I did not see any other persons ill-treated by

the peons as above stated. I then went away. I did not hear the tahsildar order the peons to act in the above manner. At that time there were many women and children in the street witnessing the scene. I did not see the moonsiff Goroovuppa Chetty there.

Fort St. George.

(Mark of) *Vencatasawny*.

Remark.—The tahsildar has no questions.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

(No. 6.)

Before the Magistrate of Chingleput.

DEPOSITION given by me, witness, Vencatachella Chetty, son of Ankoc Chetty, aged about forty years, of the Chetty caste, Vishnoo sect, earning my livelihood by trade and cultivation, and residing at Mangolum.

Sworn according to the Act.

Q. STATE the truth, as far as your knowledge goes, in the matter of the complaint of oppression in the collection of arrears of rent, preferred against the tahsildar of Periapolliam, by Sadayeppen and others now present in court? —*A.* About a month ago in last month, I went to Rallapandy to realise a debt, and visited Paedevy Goroovuppa Chetty's house, which is situated opposite the moonsiff's. The said Goroovuppa Chetty's wife came and asked me to lend her some money, saying that the tahsildar was oppressing her son for payment of balance of the loom tax. I replied that I had no money; she then gave me an ornament called "Addegay," which I mortgaged to a third person, and obtaining seven rupees I gave them to her; she took the money and gave it to her son Sengaly and got him liberated, after the sum had been paid to the Circar. Some other females also came and asked me entreatingly for money, saying, that their husbands were being ill-treated. I went to see. The tahsildar was holding his cutcherry in the street pial of the moonsiff's house; the complainants and others were placed in a stooping posture in the sun, and the peons were beating such as refused so to stoop. I do not know the names of the peons; they are not here, nor did I see the peons who are now present beat them. I went and told the Curnum Paleatha Pillay who was there, that I would deposit a gold ornament, as security, on behalf of certain individuals, and that in two or three days I would bring and pay the money due by them. Upon the said Curnum and one Adam Khan going and mentioning this to the tahsildar, the latter ordered me to go away. I then took my meals and returned, which the tahsildar did also; he then ordered the peons to pinch the thighs of the complainants and others; accordingly three or four peons came together, and two pinched the thighs of the complainants and others individually, while standing in the sun, while one caught hold of their hands, and the remaining one thumped and pressed down their necks. In this manner they oppressed them. I do not know the names of these peons, nor are they here. After they had been thus maltreated they mortgaged or sold their ornaments and other articles, and paid the balance, after which they were released. The village Moonsiff frequently visited the spot whilst all this was going on. The peon Moonesawmy, whom I now point out, was also oppressing the complainants, &c., together with the other peons. The complainants and others were not sent to their meals till the evening.

(signed) *Suckary Vencatachella Chetty.*

Note.—The tahsildar has no questions to put.

Solemnly affirmed before me, this 23rd day of August 1855.

(signed) *C. J. Shubrick.*

(True translation.)

(signed) *C. F. Chamier,*
Tamil Translator to Government.

Fort St. George.

LETTER from Seenevasa Row to *C. J. Shubrick*, Esq., Magistrate of the Zillah of Chingleput.

URZY, dated 23d August 1855, Sidapetta, and submitted by Seenevasa Row, the Tasildar of Pareyapolayem.

I RECEIVED your takeed, No. 136, dated 17th instant, and the following explanation in answer thereto will convince you with the truth of the case :

There having been a balance of moturfa, or loom tax, of 210 and odd rupees due in the village of Rallapody, in the said talook, for Fusly 1264, orders were given in person to the defaulters at several times, both before and after the expiration of the said fusly, to liquidate the same, and takeeds were issued to the zilladar and peons ; but as they did not pay the tax, even after the expiration of the first month, in the next Fusly 1265, and so failed in their promises of payment, I sent a strict takeed to the zillahdar of that place. He submitted a report to me, stating that he and his peons went and asked for the arrears ; that the defaulters agreed to pay 50 rupees, but that only a sum of 30 rupees was collected in ready money ; that he (zillahdar) gave instructions to the putta-moneyem, and the village moonsiff Naub Goroovauppa Chetty, to realise the remainder money, and remit the same ; but that that moneyagar appropriated the money collected to his own use ; that he (zilladar) therefore could not remit the money, and that therefore an inquiry should be made, and punishment be awarded. On which I went to Pareyapolayem on the 27th June last, sent for and inquired the moonsiff puttamoneyagar Naub Goroovuppa Chetty, and some of the defaulters, and taking depositions from them, sent an urzy to your Honor on the 2d July 1855. In that urzy I requested for an order to punish the moonsiff and realise the sum of 30 rupees he had appropriated by attachment (of his property). I then received an order from you, dated the 5th July 1855, in which you directed me to go to the village immediately and collect the money, and also observed that you will send another order afterwards about punishing the moonsiff. In accordance to the above order I went to Pareyapolayem on the 27th July, sent for and demanded the defaulters in the village of Rolluppady, which is situated very near to the talook, to pay their arrears of the looms tax. They said they were unable to pay, and requested me to allow them a time of 10 days to pay the balance. I told them that the time cannot be allowed, that the money should be paid down, because the year was over, and a month in the current year was past. I gave order to the duffadar Moockoonda Naicken, Moonesawmy, Jayaram, and Adumkan to collect the balance from the above defaulters. But no one in the village paid any money. As many of the defaulters promised to pay money, after going to their village Rolluppady, I thought that the collection could (easily) be made if I go and make exertions in the village ; and accordingly I went thither on the next day, the 28th July last, with my cutcherry, and on demanding them to pay the money, they all liquidated the balance in small sums at a time within the evening of that day. The sum collected amounted to about 160 rupees. There was still a balance of 50 rupees, and the persons who owed it absconded. Those who paid money took leave and went away immediately. I remitted the sums collected, and on the next day, the 19th, I went to Chinna Naidoo with cutcherry in order to collect balance of revenue. This is all that took place ; in fact, I collected the balance of the tax from those who owed it, but who withheld payment in the hope that moturfa tax would be remitted by the Government. But the moonsiff puttamoneyagar, who is of the same caste as the defaulters, having appropriated the collection of 30 rupees and odd, I again sent an urzy, No. 73, to you on the 8th August, informing you of the above circumstances. It is owing to the instigation of certain persons who bear enmity, and who are of bad conduct, the complaint has been preferred against me, in order to bring on disgrace on me by inserting circumstances which never did take place at all. I did not order the peons either to cause the defaulters to be kept stooping down or to pinch their thighs. The defaulters remained in my presence at the place where I held the cutcherry, and therefore, peons and others (would not have behaved themselves as stated above), nor did they do so. False witnesses have been caused to give evidence by bribery ; therefore a reference to the urzees, which I submitted occasionally, as stated above, will show the reality of the case. Should the other puttamoneyagar of the village at that time, Polayuttan Pillay,

Pillay, the huzoor daloyet Thandookan, and the peon Jayaram be examined as witnesses for the defence, provided the same be necessary, it will fully appear that the complaint was a false one. Please know this.

(signed) *Seenevasa Row.*

N. B.—The investigation appears hastily concluded.

(countersigned) *C. J. Shubrick.*

EXTRACT from the Diary of the Magistrate of Chingleput.

Magistrate Court was held on Friday, at Suydapetta.

Complainants, Sowduppen and others.—Defendants, 1. Seenevasa Row, the Head of Police of Paryapolayen; 2. Moockoondoo Naicken; and 3. Moonesawny Naicken.

No. 22.—21st
Poorattasy of
of Retchasaor, 5th
October 1855.

THE defendants were charged with having on the 27th July 1855, in the village of Coommapetta, in Pareyapolayem talook, made the complainant and others to be kept stooping down in the sunshine, seized and pinched their thighs, and beat and ill-treated them.

The witnesses Vengattasawmy and Cunden have deposed that, by order of the first, the other defendants caused the complainant and others to be kept stooping down in the sunshine, pinched their thighs, and ill-treated them. On a consideration of the fact of the first defendant having been directed to go in person (by the issue of an order in the Revenue Department) and collect the arrears of the loom tax which had been due for a long time by the complainant and other "Jaindevers," or weavers, who had delayed payment, there appear sufficient reasons to believe that the first defendant might have put the complainant and others in constraint as charged by them; and as the evidence of the above witnesses is in this case worthy of credit, a fine of five rupees was imposed on the first defendant under the provisions of Section 32, Regulation IX. of 1816, and the other defendants were set at liberty with a reprimand, they having acted under the order of the first defendant.

(signed) *C. J. Shubrick, Magistrate.*

(No. 26.)

LETTER from *George Ellis, Esq.*, Register to the Court of Foujdaree Udalut, to *T. Pycroft, Esq.*, Chief Secretary to Government.

Sir,

1. I HAVE the honour by direction of the judges of the Court of Foujdaree Udalut to acknowledge the receipt of Extract from the Minutes of Consultation, under date the 27th May 1856, requesting to be furnished with a copy of the calendar from the magistrate of Chingleput, relative to the fine of five rupees imposed on the Tahsildar Streenevassa Row, on complaint of torture made by the weavers of Periapolliam, with any proceedings in review of the case which may have been held by the Court of Foujdaree Udalut or by the session judge.

2. In forwarding copies of extract from the petty calendars of the magistracy of Chingleput, for the fourth quarter of 1855, as also of an extract from the proceedings held on review of the said calendars by the session judge, I am desired by the Court of Foujdaree Udalut to state that the quarterly calendar was brought under the review of the Court of Foujdaree Udalut in the usual course of procedure; but that as the particular case to which reference has been made in the Extract from the Minutes of Consultation under reply had not been noticed by the session judge to whom the original record had been submitted, and as it was headed "Misdemeanor," and a trifling fine had been imposed, the charge, too, containing no features of aggravation, the Court of Foujdaree Udalut were of opinion that it was not a case that called for any special notice from them.

Fort St. George. 3. Prior, however, to the receipt of the Extract from the Minutes of Consultation, dated 27th May, the attention of the Court of Foujdaree Udalt had been drawn to a debate in the House of Lords, in which the Earl of Albemarle had in the course of his speech made allusion to this particular case of torture.

4. The Court of Foujdaree Udalt, on 17th May, called upon the session judge to inform them what notice he had taken of the case when the record thereof had been submitted to him by the magistrate. The translations of the depositions taken before the magistrate have already been submitted to Government by this court, and I have now, by direction of the judges, the honour to forward a copy of this Court's letter to the session judge, together with his reply, and copy of a letter from the magistrate of Chingleput to the session judge on the same subject.

I have, &c.

Foujdaree Udalt Register's Office, (signed) George Ellis, Register.
2 June 1856.

(No. 1.)

CALENDAR of PERSONS punished by the Magistrate and his Assistants from 1st October to 31st December 1855, both inclusive.

1.	2.	3.	4.	5.	6.	7.	8.	9.
General No.	Office No.	Name of Prisoners.	Charge.	Date of Charge.	Date of Appearance or Apprehension.	Sentence.	Date of Sentence.	REMARKS.
37	22	- - 1. Streenewassarow, Tahsildar of the Paripollein Talook; 2. Moocbondoo Naicken; 3. Moonesawmy Naicken.	- - By the magistrate, misdemeanor, for having on the 27th July 1855, hour unknown, at Coommara-pollium, in the Parca-pollium Talook, exposed the prosecutors to the sun for omitting to liquidate the Government demand against them.	- - 3 Aug. 1855.	- - 23 Aug. 1855.	- - The 1st defendant was sentenced to pay a fine of 5 rupees, under Section 32, Regulation IX. of 1816, and the 2d and 3d defendants were released for want of proof.	- - 5 Oct. 1855.	- - The delay arose from the non-attendance of witnesses. The parties were at large.

Chingleput District, Magistrate's Office, } (signed) C. J. Shubrick, Magistrate.
Sidapet, 9 February 1856.

(No. 2.)

EXTRACT from the Proceedings of the Sessions Court of Chingleput, under date the 18th February 1856.

READ calendars, petty cases investigated and disposed of by the magistracy and his assistants during the 4th quarter of 1855.

The above calendars do not appear to call for any remark.

Ordered, that extract from these proceedings be sent to the magistrate of Chingleput for his information.

(True extract.)

(signed) W. Dowdeswell,
Session Judge.

(True copy.)

(signed) George Ellis,
Madras, 17 May 1856. Register.

(No. 3.)

LETTER from *George Ellis*, Esq., Register to the Court of Foujdaree Udalut,
to *W. Dowdeswell*, Esq., Session Judge of Chingleput.

Sir,

1. THE attention of the judges of the Court of Foujdaree Udalut has been drawn to a debate in the House of Lords, a report of which has been received by the last mail; in this debate reference was made to a decision passed by Mr. Shubrick, magistrate of Chingleput, in a charge of torture preferred against the tahsildar of Pariapolliam and certain peons.

2. The Court of Foujdaree Udalut, having referred to the petty calendars of the magistracy for the 4th quarter of 1855, observe that the case above referred to is headed "Misdemeanor," and that it was disposed of by the magistrate, under Section 32, Regulation IX. of 1816.

3. I am directed by the judges to request you will inform them, with the least possible delay, whether, when the records of the cases entered in the petty calendars for the last quarter of 1855, were submitted for your consideration by the magistrate, the record of this particular case was gone into and reviewed by you; and whether, in the event of such having been examined, you saw reason to discredit the testimony of the witnesses in the case.

Foujdaree Udalut, Register's Office,
17 May 1856.

I have, &c.
(signed) *G. Ellis*, Register.

(True copy.)

(signed) *George Ellis*, Register.

(No. 4.)

LETTER from *W. Dowdeswell*, Esq., Session Judge of Chingleput, to *George Ellis*, Esq., Register to the Court of Foujdaree Udalut, Fort St. George.

Sir,

WITH reference to your letter of the 17th instant, requiring me to report whether the record in case No. 22, contained in the petty calendars of the magistracy for the 4th quarter 1855, wherein the tahsildar of Pariapolliam was charged with maltreatment of certain parties, was gone into by me, and if so whether there were any grounds for discrediting the testimony adduced in support of the charge,—I have the honour to report that, on looking over the record in question, I found the evidence taken in that case referred solely to the charge made by the petitioners against the tahsildar for his conduct on the 28th July last, and it appears no inquiry had at that time been entered into regarding the charge which referred to the 27th July. The magistrate* considered that the evidence, although it greatly exaggerated the circumstances, and was in many instances actually contradictory as to what had really occurred, still was sufficient to prove the tahsildar has used unnecessary coercion, so far as disgracing and oppressing the petitioners, by making them stand in the sun in the public street guarded by peons; but it was clear he did not credit any other part of the evidence which referred to the torture the petitioners asserted they had suffered. I was aware that there were other charges pending against this tahsildar, and it will be observed that another charge is entered in the same report; but which the magistrate did not enter into, as the parties had already instituted a civil action against the tahsildar. Perceiving the statements were very contradictory, and that the conduct of the tahsildar was under investigation, I did not consider it necessary to pass any orders on the case, neither party having appealed to the Sessions Court.

I beg to submit a rough translation of the record, in which the judges will perceive the contradictions in the evidence are marked by myself; and I must confess I can hardly conceive it possible that any tahsildar, more particularly one so unpopular as this man appears to be, would have dared to have tortured any persons in the public street, and for so many hours, after the stringent

* Copy of his letter is herewith submitted.

Fort St. George.

orders that had just been passed by Government on this subject; and moreover, if he had actually done so, such a number of respectable witnesses could easily have been brought forward as would have clearly and satisfactorily substantiated the charge.

Chingleput Session Court,
28 May 1856.

I have, &c.
(signed) *W. Dowdeswell*,
Session Judge.

LETTER from *C. J. Shubrick*, Esq., Magistrate of Chingleput, to
W. Dowdeswell, Esq., Session Judge of Chingleput.

Sir,

Chingleput, Magistrate's Office,
Pulicat, 23 May 1856.

I HAVE the honour to forward the record of the case No. 22 of 1855, called for in your letter, No. 225, of the 19th instant.

2. As this case has lately attained some notoriety through the public prints, I would beg to be allowed to draw your attention to the complaint as given before me on solemn affirmation, and as drawn up in English by the professional petition writer; the latter containing many aggravations which the former has omitted, and which, moreover, have not in any way been alluded to by the witnesses.

3. As the smallness of the fine has also been commented on, I would beg to refer you to the very unsatisfactory nature of the evidence recorded, and which would not, in fact, have justified any conviction at all, if the first defendant, the tahsildar, had not admitted his presence at the spot, and the collection of the arrears of moturpha tax from the complainants given a colouring of truth to it, by showing, or rendering it probable, that coercion of some sort had been used towards them. The evidence by itself did not appear to me to be of that convincing nature that a severe sentence could justly be founded on it; and it was only the probability of the case, coupled, as that was, with the general disinclination of the weavers to the payment of the tax, under the idea that was prevalent amongst them that it was shortly about to be modified or abolished, and therefore increasing the chances of coercion having been used towards them, that induced me to view the evidence as sufficient for the purposes of conviction, and for a slight punishment, enough to prevent its repetition, rather than as warranting a severe sentence, which would have fairly ensued if the evidence had been of a less questionable character. In fact, so far from not punishing adequately in accordance with the evidence before me, I believe it will be allowed that I have strained that evidence to its utmost limit, and brought in the aid of circumstantial probability to assist and bear me out in my conclusion.

4. I have further to state, though I felt myself, on the whole, warranted in convicting, I was also deterred from a greater measure of punishment by fearing it might encourage the weavers to a future resistance of the tax, by lowering the tahsildar's authority and power amongst them, and his talook generally. I was aware of their objections to the tax, and to which the tahsildar has also alluded in his defence; and I thought it was better to check him from resorting to illegal and objectionable measures in its collection by a small fine, than by a heavy punishment to encourage them to continue in their opposition by the greater triumph it would afford them; and which would not only have affected him individually, but also every tahsildar in the district.

I have, &c.
(signed) *C. J. Shubrick*,
Magistrate.

EXTRACT Fort St. George Revenue Consultations; 27 May 1857.

(No. 537.)

No. 44.

THE Right Honourable the Governor in Council proceeds to pass orders on the letter in the public department from the Honourable Court of Directors, dated 25th April 1856, No. 19.

2. Resolved,

2. Resolved, that an Extract* from the Order of the House of Lords, paras. 1, 2, and 3, be forwarded direct to the collector and magistrate of Chingleput, with instructions to submit the documents therein enumerated as soon as possible.

Fort St. George.

(signed) *J. D. Bourdillon,*
Secretary to Government.

LETTER from *C. J. Shubrick*, Esq., Collector and Magistrate of Chingleput, to
J. D. Bourdillon, Esq., Secretary to Government, Fort St. George.

Sir,

5 June 1856.

WITH reference to your letter of the 2d instant, No. 557, I have the honour to forward you a copy† of my takeed of the 5th July 1855, as therein requested. The original will be sent for from Peddopolliem, and submitted when received. With this takeed and the original record called for from the session judge, the Government will be possessed of all the papers required to be submitted in their order of the 27th ultimo. I was not previously aware that the call for the proceedings by the Foujdarry Udalut had emanated from Government, but attributed it to the notoriety they had acquired through the medium of the public prints.

† Not sent; the original itself having been received and enclosed

2. I beg to be permitted to make a few remarks, which the proceedings themselves, the circumstances under which they have been called for, and the comments that have been made on me individually, seem alike to require, and without which the Government would be unable to form any correct conclusions on the subjects submitted to their judgment, or be made aware of the reasons and motives that guided me in my course of procedure. The part taken by the Madras Native Association in these proceedings requires that I should refer to them first; I will afterwards proceed with the case itself on its merits.

3. It will be in the recollection of the Right Honourable the Governor in Council, that certain persons appeared in the Guntoor district in 1854, and gave themselves out as agents or emissaries of the Madras Native Association, who went about collecting subscriptions on pretence of seeking to abolish the moturpha taxes. I am not able to say that any such persons have actually appeared in Chingleput‡, but the connexion of the Madras Native Association with the efforts of the weavers to relieve themselves from these taxes has been very apparent. The tahseeldar does not allude to the association in his defence, but he alludes to the impatience with which the weavers looked upon their professional taxes, and the efforts they made to shake them off. The connexion of the Native Association with the weavers in their efforts is shown by the present proceedings, and they have also been guilty of stooping to obtain clandestine possession of copies of documents from my office of which no copies were publicly applied for, and consequently could not have been granted.

4. The only copy of a document granted by me was a copy of the Tamil sentence in the Diary, but the Native Association appear to have obtained possession of a copy of a rough memorandum of instructions issued by me to the magistrate's moonshee to draw up that sentence, which instructions might equally well have been given by word of mouth, and do not necessarily form any part of the record. It has, however, been sent with the record to the session judge, and will come before Government in due time. I maintain the propriety of those instructions§ under the circumstances of the case, and only allude to them to show the clandestine way they must have come to the knowledge of the Native Association, and the clandestine use they have made of them.

5. The

* Desire to be furnished with copies of certain documents called for by the House of Lords, connected with the steps taken by the collector of Chingleput, for the collection of the loom tax from certain weavers of Periapalleum.

† I now find that such persons did appear in Chingleput, and were reported to the Board by Mr. Smollett, in his letter, No. 156, of the 12th July 1854.

§ It will be seen that the Tamil sentence uses stronger terms than are contained in the instructions. This did not attract my attention at the time.

Fort St. George.

5. The copy of the takeed of the 5th July is another document they have equally obtained clandestinely, and translations or copies of depositions, I am told, have appeared in some of the native papers, and to-day in the "Athenæum," which the weavers, the parties to the case, never applied for, as well as a translation of a subsequent takeed addressed to the tahsildar, directing him to remit the amount of the fine imposed on him to the hoozoor treasury.

6. The possession of these documents, and the use made of them by the Native Association, show the unscrupulous character of the individuals composing it, and the dangerous tendency of their proceedings towards subverting all constituted authority, and throwing distrust and suspicion between heads of offices and their subordinates. I would beg respectfully to state on this head, that, individually, I am perfectly indifferent as to what documents they may obtain, or wish to obtain, from my office; but that, as a public servant, it appears to me that the possession and use of unauthorised and unauthenticated copies of public documents by associated or single individuals may be found to be undesirable, and even, under certain circumstances, hurtful to the public interests. In the present case, of course, it only concerns me individually; but cases may occur in which greater inconvenience may be the result, and which it may therefore, perhaps, be deemed advisable to guard against.

7. I now proceed to the case on its merits, and trust I may be permitted to enter upon a full explanation, with the assured confidence that every word I say will receive its proper weight, and that nothing but the facts themselves, and their legitimate consequences, will be allowed to enter into the consideration of Government, who will discard from their minds all the prejudices and statements that have been made, both at home and in this country, in regard to these facts, which the parties making them did not understand, and were not fully informed of. Before doing so, it will, however, be as well for me to state here, which I might perhaps have better stated above, that the weavers themselves never complained against my decision, though an appeal could have been laid against it both to the session judge and Court of Foujdarry Udalut, and that their going to the Native Association shows that both they and the latter body had other motives and objects than the mere establishment of justice in their individual cases to influence them.

8. I proceed to the takeed of the 5th July, and here beg to enclose the tahseeldar's urzee of the 2d idem on which it was issued, but which has not been called for, though the document most required to understand the subsequent proceedings.

9. The Right Honourable the Governor in Council will perceive from this urzee, that the tahseeldar first brought the arrears of the weavers to my notice within nine days of the end of the fusly, and attributed his failure to make his collections to the negligence of his subordinates, and the connivance of the putta monigar, who had retained a portion of them when realised, and requested he might be allowed to distrain the property of the weavers in consequence.

10. It appeared to me, that the tahseeldar was merely endeavouring to throw off his responsibility on his subordinates, who were not the proper parties to bear it; and that before the entire taxes of all the weavers of a village for a whole twelvemonth should be levied by distress, it was advisable that he should himself go to them in person, and see what he could do towards getting them in. I accordingly sent him my takeed of the 5th July, in which I pointed out to him his negligence, and required him to remedy it. A great deal has been said and written about this takeed, and I have been accused of personally goading on the tahseeldar to the commission of torture, by the threat of a "severe order," with which it terminated; and the injunction, that he should leave no "part of the balance unrealised."

11. I beg respectfully to state, that I make no excuse or palliation for this takeed. I maintain its propriety throughout, and I have no hesitation in saying that, in common with every collector in the service, I must have signed some hundreds of similar takeeds, though not one where the conduct of the tahseeldar had been equally negligent beforehand, or followed by torture afterwards. It was an every day order, drawn up to meet the case to which it applied, and it was impossible for me to anticipate that the tahseeldar would have

have had recourse to illegal measures in the performance of his duty ; there was no reason why he should have resorted to illegal measures. He might and ought to have collected his kists regularly, and not allowed them to stand over for a whole twelvemonth, when he would have got them in with ease ; that he was not doing so I never knew till the receipt of his urzee of the 2d July, written nine days before the end of the fusly year ; and his resorting to illegal measures, in consequence of being goaded to them by my takeed, is absolutely negatived by the time he allowed it to remain with him without notice.

12. If my takeed was of the goading nature attributed to it, and the threat of a "severe order" was understood as anything more than "a commonplace," I would beg to ask why it was not acted on forthwith ? It was dated the 5th July, and must have reached the tahseeldar on the 7th ; but he does not appear to have moved in the matter till the 27th, though he might, if he had attached any special importance to it, had the weavers before him on the very day he received it, and reported his collections on the next. I have stated that I could not anticipate that the tahseeldar would resort to illegal measures ; and I have shown that my order was not the immediate cause of them when he did ; and I now beg to add, that I have never had a complaint of ill usage in the collection of revenue made to me during the whole of my public service. I have had complaints of ill usage and torture in police cases ; and the magistrates' or agents' calendars of the Vizagapatam districts will show how I acted on them, and that I never hesitated to punish with due severity when the occasion seemed to require it. I applied for copies of these calendars to the registrar of the Foujdarry Udalut that I might be able to show (not to Government, who, I believe, have no need of it), but to others, that I was probably the least likely person against whom a charge of abetting torture could, by any possibility, be brought. I have been informed in reply that these calendars, which are of the year 1845, have been destroyed in common with all others up to 1850, on the records of the Foujdarry Udalut. I have therefore sent for them to Vizagapatam, where, if still in existence, I hope shortly to be able to furnish the Government with copies, under the attestation of the magistrate. As stated already, I have never had a complaint of torture preferred to me previously in revenue cases ; and the first information I heard of its existence was through the medium of the Torture Commission. I do not believe in its existence to any extent, no more than I do generally to brutal conduct amongst the police in England, though occasional instances of such find their way now and then into the newspapers ; and I positively deny its necessity. No tahseeldar who does his duty regularly would find himself obliged to resort to it ; it can only be to cover laziness and previous neglect that it can ever have been inflicted. As for the charge that has been made that complaints of this nature have been indifferently received, I would be allowed to say, that the charge must be quite gratuitous and unsupported. Whatever a collector's feelings in the question might be, the charge would have come before him as a magistrate, when, if he had failed to inquire into it, or dispose of it on its merits, an application to the session court, or Foujdarry Udalut, to say nothing of the Government, would have compelled him by precept to proceed with it in regular order.

13. In regard to the other expressions objected to, "leaving no part of the balance unrealised," the Government need not be informed that it is the common idiom of the Tamil language, and not specially used for the occasion in question. Any other expression would have been extraordinary and uncommon.

14. I trust I may be excused for thus explaining matters which would not otherwise have called for explanation, being of every day occurrence ; but I find myself obliged to enter into them, from their having originated elsewhere, and may still be discussed where they are not known. In this way I find myself obliged to state, that owing to the neglect of the tahseeldar the weavers had all the time allowed them to pay their taxes they could possibly have wanted, if they were intended to be paid at all. These taxes were due over a period of 13 months, and could not be prolonged. The weavers knew they stood against them the whole of that time, and if they had not been contumacious they would have been prepared to pay them on demand, and thankful for the time they had been allowed to pay them in. I believe no similar delay could have taken place in any other country ; and in England it would probably

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have resulted in the summary dismissal of the subordinate officer allowing it. The very time allowed the weavers shows that they ought to have been prepared at the last; and the fact of their families being possessed of jewels proves that they were not only not wanting in the means, but that they could have been readily provided with them for the payment if they had wished it.

15. It has been said that distress might at once have been resorted to. It certainly might; but the measure appeared to me to be harsh, on the mere report of the tahseeldar, without his first going and making an effort to collect the balance in person, and I believe still greater efforts would have been made to throw odium on the mohturpha taxes, if it could have been said that nothing short of distraint had been able to realise them.

16. I now proceed to the case as a question of police. In doing so I beg to draw the attention of the Right Honourable the Governor in Council to the statements of the weavers, as given by themselves on solemn affirmation before me, and as drawn up by the professional petition writer whom they employed, and who has introduced a variety of circumstances which they never hinted at, and their witnesses did not depose to. With these circumstances I had, therefore, nothing to do. My inquiry was confined, according to the circular orders of the Foujdarry Udalut, dated the 24th July 1855, and Section 3, Regulation VIII. of 1832, to the complaint deposed before me by the parties themselves, and the matters elicited from their witnesses. It was on these that I based my sentence, and which I now hope to be able to justify.

17. It will be observed that the weavers depose to having been ill-treated by the tahseeldar and his peons on two days, the first day at Peddapollum, and the second day at their own village of Ralapady. Regarding the occurrences of the first day there is no corroborative evidence. The tahseeldar admits in his defence that he summoned the weavers to Pedapollum on that day, but the witnesses do not depose to what took place there. They confine their evidence to the occurrences of the second day at Rallapady. Whatever may have happened on the first day (if anything) there is no evidence to establish it, and the tahseeldar is entitled to an absolute acquittal.

18. It remains, therefore, only to consider the nature of the evidence regarding the occurrences of the second day. The first idea that will occur will be probably the meagreness and unsatisfactory nature of the evidence recorded by the complainants' spokesman, and their witnesses. Considering the length of time they profess themselves to have been suffering under the ill-treatment of the tahseeldar and his peons, and the number of the latter that must have been employed (supposing that all that has been said of them was true), it is surprising that none of the parties, either weavers or witnesses, should have been able to depose against more than two of the peons, and that one of the witnesses, (the first) Vencatasawmy, should be unable to identify even those two. There was ample time during the second day for every peon to have been identified (setting aside the first day); and the failure in this respect fully accounts for my use of the expression "questionable evidence," which has been elsewhere objected to. This "questionable evidence" is further apparent in the different statements of the witnesses relative to the time when the weavers were allowed to take their food. The second witness, Vencata Chetta Chetty, places this in the evening, meaning after they have paid their balances; while the third, Cundun, says that it was at noon, at the time the tahsildar went to his rice. The weavers themselves say they paid their money and were released at four o'clock. The reasons assigned for the presence of the second and third witnesses also appear to be "questionable," and it is strange that the same reasons should have taken them both to the spot, viz., collecting money or debts on their own account.

19. I believe I have thus very clearly shown that I was justified in using the expression "questionable evidence," and acting up to it. It was impossible for me with these discrepancies, and when the circumstances of the complaint were such as to have required better evidence, to do otherwise than consider they had very much helped to destroy it, so far as it justified me in uttering a severe sentence. I consider it possible, and very probable, that coercion of some sort had been used towards the weavers, but I did not consider it amounted to anything like what they said it did. I thought that a fine which would check a recurrence

recurrence to coercion, and induce the tasildar to exert himself, was all that the case required, and which I hope on my explanation will now be allowed to be so. If the evidence had been conclusive, and the ill-treatment more clearly and less suspiciously established, the punishment I should have awarded would undoubtedly have been greater. I must also state that I was guided in the amount of fine by the consequences I feared might result from the imposition of a larger sum. The tasildar in his defence alludes to the impatience with which the weavers viewed the tax, and I had become aware of it long before from being frequently accosted by these people* in my morning rides, and learning from them how anxiously they were looking forward to its abolition. It is my firm belief that the whole affair, and its transmission to England, instead of the constituted authorities or Government on the spot, has been got up for the purpose of bringing the tax into odium; and at the time I was afraid lest a heavier punishment might tend to encourage further resistance, and increase the difficulties of the tahsildar. The Government will observe, that though I inquired into the case on the 23d August, my sentence was not given out till the 5th October. If I had not been afraid of the consequences I have described it would have been given the same date as the inquiry. In another case of torture or abuse of authority preferred against this very tahsildar when in Poonamaley, where the charge was admitted and the evidence conclusive, and no consequences such as I feared in the present case likely to follow, I recommended† a fine of 25 rupees to be imposed on him, which the Government‡ approved of.

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* I mean belonging to other villages.

† Vide Letter dated 21 December 1855.
‡ Vide Extract from Mins. of Cons., 10 January 1856.

20. The preceding was written yesterday, the 4th, and was in the hands of the copyist, when this morning's post brought me copies of two of the sentences referred to by me in para. 12, and the promise of a third as soon as it could be procured from the Principal Assistant's Office.

21. I beg to enclose these sentences, with the accompanying copies of proceedings held by me in cases of torture and oppression while acting as session judge at Chingleput. They will show to Government, by the sentences passed in one case, that of a head of police, dismissal from the service and a fine of 100 rupees for "bribery and extortion under threats;" and in the other imprisonment with four months' labour, and a fine of 20 rupees, commutable to two more months' imprisonment in default of payment, on a duffadar for "extortion with ill-treatment or torture;" but I never failed to follow these cases§ to the uttermost, and set my face most determinedly against all kinds of ill-usage on the part of the police in all its various shapes. The proceedings from Chingleput will also show how I endeavoured to bring these matters to light in the case of the Saint Thomas's Mount cantonment, Cotwall, and did not hesitate to express myself regarding the joint magistrate when he appeared to me to be endeavouring to screen his subordinate officer.

§ I mean cases of torture.

22. I have thus endeavoured to bring all the matters connected with this case clearly and prominently before the Right Honourable the Governor in Council; and I trust, as an English gentleman and a public servant of 23 years standing, I may be held to have completely exonerated myself in their view. I may have erred in the amount of fine I imposed, and the consequences I feared from making it larger; but I have nothing to retract or qualify, and my whole career is a sufficient proof that I have never failed in my duty, either towards the Government or its subjects, as far as my conscience, time, and abilities permitted me.

23. The above had been written and copied fair when the original takeed of the 5th July reached me from Peddapollum, and is herewith enclosed. Should I have omitted any points which may appear to call for further explanation, I request they may be intimated to me.

I have, &c.

(signed) C. J. Shubrick,
Collector and Magistrate.

Fort St. George.

TRANSLATION of an Order issued to the Peddapalium Tehsildar,
dated the 5th July 1855.

YOUR urzee, No. 9, of the 2d instant, with its enclosure, has been received. You have represented therein that Naul Goorooappa Chetty, moonsiff and puttanigar of Rullapandy, of the above talook, has not only thwarted the collection of the loom-tax in his village, Rs. 212. 8. being the entire demand, and withheld the payment of his own tax, but that he has likewise stated that instead of remitting 15 rupees, alleged to have been collected by him on the above account, he has refunded the same to the payees, and that he should therefore be visited with a fine, and dismissed from office, and that the property of the defaulters should be distrained.

Should the entire demand on the looms remain unliquidated, you should have inquired into the subject from time to time, and collected the amount. This you have failed to do, and remained silent up to the end of the fusly; and have now addressed an urzee, as above set forth, which shows that you have paid no attention to the collections, and that you are under the impression that, by making representations against the subordinate officers, your responsibility in the matter will cease. The indolence you have displayed in the matter is very apparent. Immediately on the receipt of this order you will personally go to the village, and collect the whole amount of the demand, and report the same. Should you fail to recover the above amount, stringent instructions will be issued regarding you.

On the receipt of your report that the balance has been recovered, instructions will be issued regarding the punishment to be inflicted on the moonsiff.

(True translation.)

(signed) C. J. Shubrick, Collector.

(No. 813.)

LETTER from G. S. Forbes, Esq., Secretary to the Board of Revenue, to
C. J. Shubrick, Esq., Collector of Chingleput.

Sir,

I AM directed to forward to you the accompanying issue of the "Madras Spectator" of the 13th instant, which contains extracts from a petition addressed to Parliament by the Madras Native Association.

The Board request that you will inform them whether any charge was made against the tehsildar of abuse of authority in collecting these dues of Government; and, if so, acquaint them with the nature of the charge and the circumstances attending it.

I have, &c.

(signed) G. S. Forbes,
Secretary.

Revenue Board Office, Fort St. George,
18 March 1856.

LETTER from C. J. Shubrick, Esq., Collector of Chingleput, to G. S. Forbes, Esq.,
Secretary to the Board of Revenue, Fort St. George.

Sir,

* Returned.

1. I HAVE the honour to reply to your letter, No. 813, of the 18th instant forwarding the "Madras Spectator"* of the 13th idem, and requesting me to inform the Board of the nature of the charge preferred against the tehsildar, and the circumstances attending it, as referred to in a petition addressed to Parliament by the Madras Native Association.

2. The charge against the tehsildar, which was disposed of by me on the magisterial side, was for using compulsory measures towards the weavers of Rallapady, with a view to forcing them to pay their arrears of loom tax, by bringing them away from their own village to where he was staying, keeping them a short time without food, making them stand in the sun, and causing his peons to pinch them on the thighs, and which resulted in the accomplishment of his intentions.

3. The

3. The charge was denied; but the nature of the proof, though otherwise questionable, appeared to me to receive considerable force from the fact that the money was collected, and I accordingly convicted and fined the tehsildar in the sum of five rupees, and released the peons with a caution.

4. My reason for dealing thus leniently with the case, arose out of the feeling which I had become aware was very prevalent among the weaving community, that the loom-tax was about to be abolished or modified, and the impatience which they therefore evinced at being longer subjected to it. It was necessary for me to consider what the result of my decision would be on the feelings of the weavers in general, with reference to their efforts to shake off the tax; and while checking the tehsildar against a repetition of similar conduct, not to allow the weavers to suppose they could exempt themselves from future payment. The question was, it appeared to me, how to combine justice in the particular case with policy towards a whole community; how to punish the tehsildar sufficiently for his offence, and at the same time not to lessen his legitimate authority; and I have every reason to believe that my sentence met the requirements I had intended from it.

5. I think it is very possible that I may shortly have to bring this tehsildar's general conduct before the notice of the Board; but in the particular instance under reference I believe I could not have acted better or more advisedly than I did.

Chingleput District,
Collector's Ct. Cuty., Covelong,
25 March 1856.

(signed) *C. J. Shubrick*,
Collector.

(No. 1047.)

EXTRACT from the Proceedings of the Board of Revenue; dated 10 April 1856.

READ letter from Collector of Chingleput, dated 25th March 1856.

Para. 1. In their proceedings of the 18th ultimo, the Board called the attention of the Collector to a representation made by the Madras Native Association, in a petition to Parliament, that a tehsildar of his district had been only punished with a fine of five rupees on being convicted of using forcible measures for collecting an arrear of moturpha revenue due by some weavers, and they requested to be informed if the details of this representation were correct.

2. Mr. Shubrick's present letter is in reply to that call, and shows that Sreenivasarow, tehsildar of the Peddapolliam talook, was fined five rupees for abuse of authority, in resorting to illegal measures for the collection of an arrear of revenue due by some weavers in the village of Rollapaddy.

3. The tehsildar was, it appears, charged with taking the defaulters away from their village, detaining them for a time without food, and ordering his peons to make them stand in the sun, and to pinch their thighs. Mr. Shubrick states that the accusation was denied, and that the evidence in support of it was in some degree questionable: but, as the charge derived support from the fact of the money being collected, he convicted the tehsildar of using illegal violence, and sentenced him, in his magisterial capacity, to a fine of five rupees. The peons were released with a caution.

4. In explanation of this lenient sentence, Mr. Shubrick observes, that the weavers had contumaciously refused to pay their tax under an idea that the moturpha revenue was about to be abolished, and that he felt it necessary to consider what the effect of his sentence would be, lest resistance to the just demands of Government should be encouraged by it. His object was to discountenance and punish illegal modes of collecting the public revenue, and at the same time maintain the authority of the Government servants.

5. The Board have not before them the details of the accusation, and of the evidence produced in its support, but as the arrear was realised, notwithstanding the remonstrances of the defaulters, without apparently any restraint of property, and the tehsildar was convicted by the Collector and magistrate of resorting to improper measures, they must consider that he has been proved guilty of official mis-

Fort St. George. — conduct on the occasion ; such being the case, the sentence is, in their opinion, quite inadequate ; and they must observe that, while the tehsildar's illegal conduct was calculated to weaken our administration, its due punishment could alone repair this evil.

• Para. 8. 6. The Board therefore feel it inexpedient to retain the tehsildar in his present office, especially when the Collector alludes* in unfavourable terms to his general conduct ; and while waiting for the expected report on this subject, they accordingly direct his suspension.

7. On receiving this further report, the Board will pass final orders regarding the tehsildar, and they feel bound to remark, that in doing so, they will have to give weight to the nature of the order which the tehsildar received from the Collector for the collection of this balance ; the correctness of this order, as given in the petition of the Madras Native Association, does not appear to be disputed ; and, although the Board are aware that the Collector had not the slightest intention of authorising any illegal measures, its wording was unfortunately such as might have impressed the tehsildar with an idea that he incurred more risk by leaving the balance uncollected, than by employing unjustifiable means for its collection. The order was evidently sent off without its wording being duly scrutinised, when a careful order, instructing the tehsildar what steps to take if the defaulters failed to pay the arrears, should have been issued : as the present balance was due on account of moturpha, and there was, consequently, no land first to be attached and sold, immediate distress could have been made against the personal property of the defaulters, and the tehsildar should have been directed to follow this course.

8. The Board cannot too strongly impress on the Collector the important duty of carefully taking measures to prevent abuses in the collection of the public revenues, and of checking any tendency on the part of his native servants to employ means other than those which the law allows.

C. J. Shubrick, Esq.,
Collector of Chingleput.

(signed) J. D. Sim,
Sub-Secretary.

LETTER from C. J. Shubrick, Esq., Collector of Chingleput, to G. S. Forbes, Esq., Secretary to the Board of Revenue, Fort St. George.

Sir,

1. WITH reference to the Board's proceedings of the 10th instant, No. 1047, directing the suspension of the Peddapolliem tehsildar, and awaiting my further report on him, I have the honour to submit a statement showing the charges or accusations preferred against this officer, and the manner they have been disposed of, since my assumption of the charge of the district. Among the charges will be found three for felling down trees, and appropriating them to his own use, of which two have not yet been inquired into. These were the charges which I had it in contemplation to investigate when addressing the Board on the 25th ultimo, before reporting on his general conduct, but under the view taken by the Board of his conduct towards the weavers of Rallapady, it appears unnecessary to await their issue, the charges against him already proved being sufficient for his dismissal, and it was only an idea of accumulating his offences before reporting on them that led to my delay in the matter, as I had long been of opinion that his removal from the public service was absolutely necessary, both for the interests of Government and their subjects.

2. I need not enlarge on the facts revealed by the statement, as they will speak for themselves. The Board will observe that the tehsildar has been four times fined within twelve months, in sums amounting to 36 rupees, two of the fines being for abuse of authority and so-called torture, and two for neglect of duty ; that legal proceedings have been instituted against him in the civil court by an injured party in another case ; that he acknowledged having improperly felled some trees in one case, while in two others the charges are still pending ; and that in only two cases he has been acquitted, one by the non-attendance of the complainant, the other by defect of evidence.

3. As a head of police, he has proved himself decidedly inefficient, having failed in establishing before the courts more than three cases out of the 32 heinous

heinous cases perpetrated in his talook within the year, and those three cases of simple theft and housebreaking, leaving seven cases of gang robbery undiscovered.

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4. With reference to the Board's observations in para. 7, relative to the correctness of the order as given in the petition of the Madras Native Association not being disputed, I have the honour to state, that not deeming their call for information to apply to it, but only to the charge against the tehsildar, I confined myself to the latter only in my reply; I have now the honour to enclose a correct translation of the order in question, which, though I have not the version published by the association to refer to, I have sufficient recollection of it to know that it differs very much from the one now furnished.

5. The Board will perceive that there is nothing in the order that could have justified the tehsildar in resorting to unjustifiable measures for the collection of the moturpha balance from the weavers. His report against them, in which he solicited permission to distrain their property, was dated the 2d July, or within a week of the end of the Fusly, and showed that he had neither been to the village himself, or succeeded in collecting a single rupee through the zilladar and peons he had sent there. His application to distrain their property appeared to me therefore to be premature, and that his own personal efforts in realizing the balance should be tried before resort should be had to such a measure. It was in this spirit that the order was issued, and should have been interpreted by him. It accused him of neglect of duty, and it required him to make up for his neglect, and not to recommend a distress of property before he had personally made his demand, and tried to do without it. The measures he adopted were not called for by the order, and neither the measures nor a resort to distress would have been necessary, notwithstanding the objections to the tax on the part of the weavers, if he had attended to his duties earlier in the year, instead of waiting to enforce them till the end.

6. I have, therefore, no hesitation in declaring that he has himself alone to blame in the matter, and that his further continuance in the public service should not be allowed.

(signed) C. J. Shubrick,
Collector.

Chingleput District, Collector's Ct.
Cutcherry, 18 April 1856.

STATEMENT showing the Charges preferred against C. Shreenevassa Row, Tehsildar of the Peddapolliem Talook, Zillah Chingleput.

No.	Names of the Complainants.	Subject of Complaint.	Mode in which the Complaints were disposed of.
1.	Narrainsawmy Pillay, of Nugraharum, in the Poonamallee talook.	Complains of having been tortured by being handcuffed, slipped, and confined to close custody.	Convicted, and fined 25 rupees under the orders of Government. Complaint preferred to the Torture Commissioners.
2.	Weavers of Rallapady	Complain of having been tortured by being made to stand in the sun, kept without food, and pinched on the thighs.	Convicted, and fined 5 rupees.
3.	Civil engineer	Neglect of duty in the repair of the Cuddapah road.	Fined 10 rupees.
4.	- - - - -	Delay in the disposal of a case of assault.	Fined 1 rupee.
5.	- - - - -	Abuse of authority	Legal proceedings have been instituted in the civil court.
6.	Moses, of Pelrumibantum	Felling down trees belonging to the villagers without authority.	Confessed the charge; was cautioned not to repeat it.
7.	Munguppa Naidoo, of Tholacadavankum.	Ill treatment for non-payment of revenue.	Acquitted, the party having failed to appear.
8.	Cooppiah	Oppressive conduct	Not proved.
9.	Ramasawmy Naidoo	Forcibly felling down certain trees and appropriating them to his own use	Under investigation
10.	Teagonoy Moodelly		

STATEMENT of Heinous Offences committed in the Peddapolliem Talook during the Year 1855.

Offences.	No.	Persons concerned.	Whether apprehended or not.	How disposed of.
Gang robberies - - -	7	116	None apprehended.	
Attempt at house-breaking -	9	13	- ditto.	
Theft - - - - -	7	13	cases. persons. 2 2 apprehended -	{ Committed to the court, but released for want of proof.
Theft and house-breaking -	9	15	6 12 - - -	- ditto, 3 cases dismissed.

Chingleput District, Collector's Ct. Cutcherry,
18 April 1856.

(signed) C. J. Shubrick,
Collector.

(No. 1309.—Revenue Department.)

EXTRACT from the Proceedings of the Board of Revenue; dated 2 May 1856.

Dated 18 April 1856.

READ, letter from the Collector of Chingleput, reporting the conduct of the tehsildar of Peddapolliem, and recommending his dismissal.

* Extract Mins. of Cons. 7 June 1855, P. 15.

In this letter the Collector details some minor instances of misconduct on the part of the tehsildar; but into these the Board will not enter, since the orders issued by Government,* when reviewing the report of the Torture Commissioners, render it impossible for them to retain, in public employ, a servant who has been a second time convicted of using illegal and harsh measures for the collection of the revenue.

2. The Board, therefore, direct the tehsilder's dismissal; but they are constrained to observe that the order issued by the Collector to the tehsildar still appears to them to give his conduct the only palliation which it could receive. They are fully satisfied that Mr. Shubrick did not perceive the construction which might be put upon his order, or contemplate for a moment that it would lead to any illegal method of collecting the arrear. But as the tehsildar had unsuccessfully requested authority for distraining the property of the defaulters, and fining the village revenue officer for his neglect, and was directed to go himself to the village and collect the arrear, under pain of serious consequences to himself, he might have been led to suppose that he would be in more danger by failing to collect the balance, than by employing irregular measures for the purpose.

3. The Board, therefore, trust that the Collector will be careful in the wording of his orders on future similar occasions; and as his letter shows that he thought it harsh to resort at once to the distraint and sale of the property of these defaulters, his attention is called to the proclamation issued with their circular order, dated 30th April 1855, which shows that the Board desired to check all improper practices in the collection of the revenue, by bringing into prompt exercise those legal means which the Regulations afford.

EXTRACT Minute by the Right Honourable the President; dated 20 May 1856.

THE Board of Revenue, in these papers, transmit to Government their proceedings with reference to a case of torture in Chingleput, in consequence of its having been mentioned, according to the reports of the newspapers, by Lord Albemarle in the House of Lords.

It appears that so soon as the memorial of the Madras Native Association was published in the newspapers, in which this matter was mentioned, the Board called on Mr. Shubrick for an explanation. The result of their inquiry is shown in the documents now circulated. It is not my intention to give expression to any opinion on this subject, in consequence of the publicity which it has obtained.

obtained, and from the fact that suggestions of various kinds have emanated from the public press. The case has come in no shape before this Government, neither could it in the usual course of procedure. Fort St. George.

I am, however, of opinion that measures should be adopted to insure the supervision of the Government in any similar instance which may occur at any future time; and I would, therefore, propose that orders should be issued to all Collectors and magistrates, and by them to their subordinate officers, that copies of all cases of alleged torture, either in the Revenue or Police departments, and of the proceedings thereon, should be sent up to Government as soon as possible after they have come to the officer's knowledge.

EXTRACT Judicial Letter to Fort St. George; dated 17 December (No. 19) 1856.

75. WE have received the proceedings in this case, and transmitted them to the Commissioners for the Affairs of India, for submission to the House of Lords. Letters from, dated 10 June (No. 19) 1856; 21 June (No. 20) 1856; Revenue letter, dated 10 June (No. 17) 1856. Weavers of Periapelliem, versus Tehsildar of ditto.

76. We entirely approve of the proceedings of the Board of Revenue in calling for the papers and directing the dismissal of the tehsildar from office. We desire that it may be publicly notified, that he shall not again be employed in the Government service, and at the same time must record our opinion that the session judge, Mr. Dowdeswell, failed in his duty in passing over the case as one not calling for his interference, and that Mr. Shubrick, with the knowledge which he possessed of the irregularities that had previously subjected the tehsildar to be fined, cannot be entirely acquitted of indiscretion in entrusting such a subordinate with any order, that, as the Board of Revenue observe, could lead him "to suppose that he would be in more danger by failing to collect the balance, than by employing irregular measures for the purpose."

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— No. 1. —

CHARGES OF TORTURE AND VIOLENCE REFERRED AGAINST THE
POONAH POLICE.

No. 41 of 1855, Judicial Département.

To the Honourable the Court of Directors for the Affairs of the Honourable
East India Company, London.

Honourable Sirs,

HAVING noticed in the "Poona Observer" of the 10th February last, a charge of torture and violence preferred against the Poona police, in which the Foujdar, Mr. Spiers, by name, was implicated; we called on the magistrate to submit a report on the subject. Torture: Charges preferred against the Poona Police.
Jud. Cons. 1855.—3 March, No. 1367A/68; 7 April, No. 2781/86; 7 April, No. 2943/46; 1 May, No. 3170/73; 16 May, No. 4027/30; 8 August, No. 7014/18 D.
Jud. Cons. 1855.—16 May, No. 4076/81; 25 July, No. 6190/94.

2. From the magistrate's reply a further inquiry appeared to be necessary. We, therefore, appointed Mr. G. Inverarity, a Special Commissioner, under the provisions of Act XXXVII. of 1850, to investigate the circumstances connected with the charge.

3. The reports of the Commissioner which, with our own previous and subsequent proceedings, we now do ourselves the honour of forwarding, disclose a system of violence and intimidation, stopping short indeed of actual torture, but

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equally calculated illegally and unjustly to extort admissions of guilt from innocent persons.

4. In order to mark our sense of Mr. Spiers' misconduct, and as a warning to the police of this Presidency, to abstain from illegal and oppressive treatment of the prisoners in their custody, we have ordered Mr. Spiers to be dismissed from the service of Government.

5. We have also ordered the dismissal of the Foujdar's carkoon, Ballajee Punt, who was proved to have been an active agent in the ill-treatment of prisoners.

6. This decision and the circumstances which led to it, have been communicated to the several magistrates and superintendents of police for their information, and for communication to their subordinates.

We have, &c.

Bombay Castle,
13 August 1855.

(signed) *J. G. Lumsden.*
A. Malet.

Jud. Cons. 1855,
8 August, No.
7014.

LETTER from the Commissioner on Special Duty at Poonah.

Sir,

IN accordance with the instructions contained in your letter (No. 1410) under date the 2d ultimo, I have the honour to forward for the information of the Right honourable the Governor in Council my proceedings, of inquiry into the charge of torture preferred against the Foujdar of Poonah, therein adverted to, as also my proceedings with reference to three other charges of the same description against that functionary, and which formed the subject of the magistrate of Poonah's communication to your address, No. 495, of the 4th April, and of your intimation to me, No. 1473, of the 5th idem.

2. The imputations against the Foujdar have, agreeably to the provisions of sec. 2, of Act XXXVII. of 1850, been drawn into distinct articles of charge, and my opinion recorded thereon in full at the close of each case, as required in sec. 21 of the same Act; it is unnecessary therefore that I should enter into any specific detail on the subject here; the proceedings in each case have been numbered successively from 1 to 4, according to the order into which they fall during the inquiry.

3. It will be observed, that several of the subordinate police officers have been implicated by the prosecutors along with the Foujdar in the charges which they bring. It has not, however, been possible to bring these parties under the same indictment as that officer, sec. 2 of the Act applying all investigations conducted under its provisions to persons not removable from office without the sanction of Government. The peons and carkoons being removable by the local authorities without reference to Government, do not, therefore, fall within the powers conferred upon me, and have, in consequence, been entered as witnesses* in each case where they are concerned, the point is not of much consequence as the Foujdar is presumed, if not shown, to have been the chief mover in all that is complained of, and the proceedings afford ample information as to the share which the subordinates had in his transactions.

* Not affirmed.

4. These four cases compose all the charges that have been received by me from the magistrate. A petition from Appa Wance (prosecutor in case No. 2), was also transmitted, upon which no preliminary inquiry had been conducted by the local officers; it stated that one of his fellow prisoners, by name Atmaram Balal, has died in consequence of treatment received while in the furast khanah; upon examining this, in view to preparing the necessary indictment, I found that the son and representative of the deceased had no complaint to make on the subject, his father, according to him, having died from fever and natural causes. Appa Wance's statement from this not appearing worthy of credence, and the family of the deceased assuring me that death occurred from natural causes, I have not considered it necessary to prosecute the case further. It also

appears d

appeared that upon Atmaram's death, Appa had preferred a petition of the same kind, upon which an inquest was held upon the body, and a report drawn up confirmatory of what the son now says.

5. Having thus completed the duty assigned to me, I beg to await the orders of Government for my future guidance.

I have, &c.
(signed) *G. Inverarity*,
Commissioner on Special Duty.

Poonah, 9 May 1855.

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(No. 7018 A.)

RESOLUTION by the Honourable Board.

RESOLVED, Mr. Inverarity, as a Commissioner under Act XXXVII. of 1850, has investigated certain charges preferred against Mr. S. R. Spiers, the Foujdar of Poonah, imputing to that officer acts of atrocious cruelty.

2. Mr. Inverarity has handed up his proceedings in five cases, and has also commented in a letter dated 26th May, on a further petition presented by one of the accusers.

3. The charges preferred belong to that class which are easy to be made, hard to prove, and harder to disprove. The accused will seldom be able to advance more than a general denial; it becomes therefore more imperatively the duty of that authority which has ultimately to pronounce judgment, to scrutinize rigidly the statements of the accusers and their witnesses, for the purpose of ascertaining whether they are consistent and conclusive.

4. There are peculiar difficulties which surround an inquiry of this nature; as the evidence will generally be almost exclusively that of prisoners, it will necessarily be the evidence of persons upon whom there is presumptively a taint, and of persons who imagine that charges against the Foujdar will benefit themselves. On the other hand, there is unfortunately only too much probability in the assertion, that the police may, whether from mistaken zeal, or from the force of immemorial custom, which in this country carries with it so much weight, resort to illegal and barbarous modes of extorting confessions; at the same time, the Right honourable the Governor in Council feels, that the more active and zealous a police functionary may be, the more enemies he creates, and the more exposed he is to accusations of the kind now before Government. In this conflict of probabilities, the duty of deciding on the truth or falsehood of a charge becomes one of no ordinary difficulty, especially as it is hardly possible to find a witness who will not endeavour to strengthen his statement, which may in the main be true, by a few collateral falsehoods.

5. In the consideration of the charges, the Right honourable the Governor in Council will first address himself to those which allege what may reasonably be termed "torture," or which impute acts of personal violence to the Foujdar himself; he will afterwards deal with those which allege general irregularity and oppression on the part of the Foujdar and his subordinates.

6. The first case is that of Balcrustna, he prefers the following charges of "torture" and personal violence against the Foujdar. 1st case, Balcrustna Gunesh.

1st. That the Foujdar caused him to be hung up to a hook in a room of the city police office, and while so hung up, to be beaten and threatened.

2d. That the Foujdar did, on another occasion, strike the accuser with his own hand.

7. The Right Honourable the Governor in Council considers it to be abundantly clear upon the evidence, that the first charge has no foundation in fact. The accuser, in three several statements, has given such different accounts of the circumstances connected with the alleged torture as to render his testimony utterly worthless. Omitting numerous minor discrepancies, it will be sufficient to notice, that on the first occasion, he stated that he had been hung with his head downwards, and before the Commissioner, that he had been hung with his

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feet downwards. The Commissioner has pointed out various discrepancies in the evidences of the prisoners who have been examined in support of the accuser's statement. To some of these, the Right honourable the Governor in Council is not disposed to attach much weight, for instance, it does not appear to the Right honourable the Governor in Council to be a discrepancy when a witness states that the cries of the accuser came from the third story, while the accuser states that he was beaten in the dufur room, which is on the second story, or when one witness states that he heard a cry, but no words, and another that he heard words; but the Right honourable the Governor in Council plainly sees that the sixth witness, Naroo Balal, has committed gross perjury, having been a prisoner in the tannah zillah up to the 15th of December, the day on which the accuser Balcrustna Gunesh made his confession, before which confession the alleged torture is stated to have been inflicted. It being clear, then, that the accuser has made statements which no ingenuity can reconcile with each other, or with truth; that one witness, by a concurrence of circumstances, can be proved to have committed perjury; that the other witnesses have failed to impress upon the Commissioner any conviction of their truthfulness, but on the contrary, have inspired him with grave distrust; the Right honourable the Governor in Council has no hesitation whatever in pronouncing that the charge has not been proved.

8. The second charge, that the Foujdar himself struck the accuser on one occasion, and threatened him on another, when his confession was being recorded, has not been supported by any adequate proof; and the latter part of the charge has been distinctly disproved by the testimony of respectable parties who happened to have been at the police office at the time, and who attested the confession.

9. The Right honourable the Governor in Council therefore fully concurs in the opinion of the Commissioner, that no part of the accusation of Balcrustna Gunesh has been proved.

2d case, Appa Bin Seteba, and two others.

10. The second accusation is preferred by Appa Bin Seteba and two others. The general charges will be considered hereafter, but Appa has stated that he was subjected to torture of a most abominable nature; to this allegation the attention of Government will be now confined.

11. To test the truth of Appa's statement the Government has before it the depositions of four classes of witnesses. Those of members of Appa's family, who speak to the injuries from which he was still suffering when he returned home; those of his fellow prisoners; those of the Foujdar's subordinate; those of the medical witnesses. The Right honourable the Governor in Council is clearly of opinion, that in an inquiry of this kind, the evidence of the first class of witnesses is of very little value on the one side, and the evidence of the third class of no value at all on the other side. The statements of these witnesses may be safely discarded from the discussion.

12. Next, with reference to the statements of Appa's fellow prisoners, the Commissioner has carefully pointed out the grave inconsistencies which their depositions exhibit, and has rejected them as totally unworthy of credit. In this opinion, the Right honourable the Governor in Council most fully concurs; he observes that in this case, the witnesses are more cautious than in the first case; only one man, Gunesh Ramchunder, states that he heard Appa's cries while he was being tortured; the others only depose to what they were told by Appa after he had been tortured; but some of the witnesses were not told by Appa, they merely overheard him in his cell, talking to himself of his injuries. This is highly improbable, and at all events it is not evidence that can be received against the accused. Many of the witnesses say that Appa only told them in general terms of his ill usage. It is not likely that if Appa had been subjected to the shameful cruelty of which he complains, he would have spoken in general terms of his having been beaten, he would have mentioned the specific iniquity practised on him.

13. Lastly, the medical testimony, that of Dr. Keith and of four "weids," is conclusive against the statement of Appa. He states, that among other cruelties the hair was dragged out of his head, and points to certain bald patches in support of his assertion. The medical witnesses state that the baldness is of long standing

standing and the result of disease. Dr. Keith also deposed, before the first assistant magistrate, who, previously to the appointment of the Commissioner, had commenced an inquiry, that there were no marks on the complainant's body of the specific ill-treatment which is alleged to have been practised. Under all these circumstances the Right honourable the Governor in Council is of opinion that Appa's allegation of torture is utterly false, and that the Foujdar is entitled to a full acquittal on this charge.

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14. The third case is that of Gungadhur Bhugwunt. He prefers several charges of oppression, and one of direct personal violence against the Foujdar. He states, that while under examination he was beaten and kicked by the Foujdar himself.

3d case, Gungadhur Bhugwunt.

15. In support of this accusation the complainant has produced seven witnesses. Of these five are unable to state anything in support of Gungadhur's story. The sixth, Rungo Bhugwunt, states that he and all the prisoners were told by the accuser that Jendia, a police peon (he means Jendia Jemadar) had kicked him once, and struck him twice. The statement of Gungadhur being that it was the Foujdar who gave him one kick and two blows. The seventh witness, Reoohunt, was charged with the commission of the same crime as the accuser, his evidence should therefore, as the Commissioner very properly observes, be received with great caution. He states that Gungadhur told him on the following day of the assault committed by the Foujdar, and showed him his side red and inflamed. The blows being on the right side must have been delivered by the Foujdar's left hand, and the Right honourable the Governor in Council concurs with the Commissioner in considering it improbable that a man not naturally left-handed should be able with that hand to strike two blows which would leave a red mark visible on the following day. It will then be observed that the red and swollen side was only seen by one man among all the prisoners, and that man the accuser's accomplice. On such evidence as this, it is impossible to pronounce the charge to be proved, and the Right honourable the Governor in Council feels it a duty to record his opinion that the alleged assault was never committed.

16. The fourth case is that of Tatia Bin Malharee. In this no charges of torture or direct personal violence are preferred against the Foujdar, the Right honourable the Governor in Council will therefore comment hereafter on the accusations of Tatia, and proceed to the consideration of the fifth case.

4th case, Tatia Bin Malharee.

17. The fifth case is that of Anundee, the wife of Ranoo: she alleges, that after having been beaten by some sepoys, when the Foujdar was not present, she was, by the Foujdar's own order, with the view that evidence might be extorted from her against some persons charged with murder, hung up by the hands, feet, and hair of the head to a beam in a room of the ferackhana. She also prefers some other charges of oppressive treatment, in which she is joined by some other women. These will be considered hereafter.

5th case, Anundee Kom Ranoo.

18. The statement made by Anundee is, in the opinion of the Right honourable the Governor in Council, invalidated by the fact, that when the accusation was first made before the session judge, she never stated that she had been hung up by the hair of the head. She only stated that she was threatened with such treatment. This the Right honourable the Governor in Council regards as a discrepancy, which renders the evidence of Anundee absolutely worthless. If she had been treated in the manner she now states, she could not have omitted the principal circumstance when she first preferred her complaint. Before the session judge, when the alleged outrage was comparatively recent, she stated that threats of hanging her were employed. Before the Commissioner she stated that she had been actually hung up. This discrepancy is fatal to the charge of actual torture, and the Right honourable the Governor in Council has no hesitation in pronouncing his entire disbelief of this part of Anundee's statement.

19. The Right honourable the Governor in Council has now disposed of those parts of the charges preferred against Mr. Spier, which allege such ill-usage as can reasonably be termed "torture," and which impute acts of personal violence to that officer. On all these accusations the Right honourable the Governor in Council is able to record an acquittal, and he now proceeds to the consideration of the other charges; all of which are of a grave character.

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20. The charges may be thus stated :

1st. That untried prisoners were compelled to perform hard labour in the police office.

2d. That prisoners were confined in unwholesome cells.

3d. That prisoners were frequently detained in the ferraskana for protracted periods, without being sent before the magistrate for examination, and that eligible bail was offered, but refused.

4th. That prisoners were frequently taken up at night to the Foujdar's private quarters, and there exposed to threats and ill-treatment from the Foujdar's subordinates.

21. The first charge is admitted, and an explanation offered. It is stated, that no establishment being entertained for the daily cleansing of the prison, it was necessary that the prisoners should draw the water required for that purpose, and in answer to an allegation that prisoners were compelled to draw water for the use of the Foujdar, it is stated that the arrangement was originally made at the request of the prisoners themselves. The Right honourable the Governor in Council does not regard this explanation as satisfactory, but he considers that the blame more justly attaches to the magistrate and to the superintendent of police, who permitted arrangements in direct violation of the law to be continued, than to the Foujdar. It does not, however, appear that the practice was resorted to for purposes of intimidation or oppression, and the Right honourable the Governor in Council therefore considers it will be sufficient to express his extreme disapprobation of the system, and to direct its immediate discontinuance.

22. The second charge is also proved. The Commissioner very properly visited the cells himself, and pronounced them unfit for the confinement of prisoners. Here again the Right honourable the Governor in Council considers the magistrate and the superintendent of police more open to censure than the Foujdar. The superintendent of police is clearly shown to have seen the cells, and to have seen persons confined in them. The magistrate has also probably seen the cells; and, if not, he ought to have done so; upon them in the chief degree, and not upon the Foujdar, must the censure of the Government fall. The evil will be remedied under the instructions recently issued by Government for the proper construction and arrangement of places of custody for untried prisoners, but in the present instance no complaint would ever have been preferred if the magistrate and the superintendent of police had done their duty.

23. The third charge is considered by the Right honourable the Governor in Council to be amply proved. In the second case, that of the complaints preferred by Appa Bin Setiba, it is clearly shown that, immediately on his committal for trial before the session judge, Appa was released on security. The obvious inference therefore is, that he was able to give sufficient security to the Foujdar, if that officer had been willing to take it. But the worst case in this respect is the fourth, which has not yet been considered, the case of Tatia and Gunoo Bin Mulharee, who were kept, the one for 12, the other for 38 days in custody, upon the statement of a single man, unsupported by any other valid evidence. One of these men, Tatia, has also alleged that he was kept for five days without food. This statement, in its full breadth, the Right honourable the Governor in Council does not believe; but it is clear that Tatia was left without batta for two days, and was thus compelled to purchase some rice himself from the wani, which he was not allowed to cook, a circumstance most discreditable when it is considered that he was treated like a prisoner in all other respects.

24. The fourth charge is one of a very grave character, and the Right honourable the Governor in Council regrets that he is compelled to regard it as proved. He considers it to stand clear upon the evidence that it was a frequent custom for prisoners to be brought up for examination before the Foujdar at night time, and there subjected to threats, if not to ill usage. The evidence of Tatia Bin Malharee, in the fourth case, appears to the Right honourable the Governor in Council to be entitled to credit. It imputes no exaggerated cruelty, and may, in the opinion of the Right honourable the Governor in Council, be taken as a fair representation of the usual "modus operandi" in the Foujdar's quarters during these nocturnal inquiries. From Tatia's statement it would appear that he was carried

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carried up to the third story of the police office at one o'clock, A.M. (it was probably at an earlier hour of the night), and then subjected to a close and protracted examination by the Foujdar, who at length being tired, said, "He won't be got to confess this way." That afterwards the Foujdar's carcoon, Ballajee Punt, took up the questioning, and in the Foujdar's presence, on Tatia's remaining firm in his denial, handcuffed him. That Ballajee Punt then renewed the examination, but without success, on which he gave the prisoner, Tatia, "a severe push," and then, while the prisoner was on the ground, tore his turban into strips. On the next day more abuse and threats of fetters were employed by Ballajee Punt, but not in the presence of the Foujdar.

25. These proceedings disclose a system of violence and intimidation, stopping short indeed of actual torture, but equally calculated illegally and unjustly to extort admissions of guilt from innocent persons. A man is taken in the middle of the night, out of his cell, to a remote part of the police office. The sepoy very probably industriously spread among the other prisoners that this has been done, and that their turn may happen next night. Shortly afterwards the sepoy tells the accomplices of the prisoner, that severe measures have been taken with their comrade upstairs, that he has confessed, and that they had better make a clean breast of it at once, and avoid similar treatment. The system is intended to act thus on others. Next, as to the prisoner himself, roused up in the middle of the night, bewildered, alone, impressed with the consciousness that should ill usage be resorted to his cries will only be heard by police sepoy, he finds himself rigorously pressed by a keen examination, conducted perhaps with much asperity of tone and aspect, his various statements are compared and contrasted; if he fails to answer quickly his attention is roused by a "severe push" from the knuckles of a carcoon or sepoy. If he remains firm, which not one out of 20 guilty men, and perhaps few innocent men would do under the circumstances, handcuffs are called for; and then perhaps the prisoner asks himself the significant question, whether the police cannot, in 10 minutes, inflict a worse punishment than the judge can inflict by imprisonment and hard labour for a year or two: a confession naturally follows.

26. It appears to the Right honourable the Governor in Council to have been intended by the police to induce among the prisoners a feeling, that a visit to the third story was an event to be dreaded. To this feeling, aggravated probably by some threats of subordinates acting on a temperament unnerved by opium and other vicious indulgences, the Right honourable the Governor in Council attributes the tragic incident to which Mr. Inverarity adverts in his report of the 26th May last, of the suicide of the Mussulman boy, who threw himself from the third story of the police office, and died a few days afterwards in hospital. The Right honourable the Governor in Council is utterly unable to understand why an event which might well excite suspicion that ill-treatment had been resorted to, was not brought to the notice of Government at the time. On this subject the magistrate must submit a full explanation.

27. Mr. Jones must also be directed to make due inquiry, and submit an explanation either from himself or from the superintendent of police, as to the statement of the Commissioner that some papers required by him in the investigation of the 5th case were not furnished to that gentleman when he applied for them.

28. With respect to the charges of ill-treatment preferred by Anundee, and some other women to which allusion is made in the 17th para., the Governor in Council is of opinion that their statements are hardly susceptible of legal proof, but that still the impression is left upon the mind after perusing all these papers, that when the Foujdar himself is harsh and irregular in his procedure, his subordinates are not likely to be behind-hand in following and in improving upon the example which he has set them.

29. The charge of illegally and unnecessarily detaining prisoners in the ferashikhan for protracted periods without bringing them up for examination and committal before a magistrate, seems to be fully established. The most glaring instances in the cases now before Government have been already incidentally referred to, those of Tatia and Gunnoo Bin Mulharee; but without going into details, the whole of these cases show that this illegal proceeding

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is the rule and not the exception at the faraskhana. Nothing can be more calculated to encourage the belief in the practice of torture, or to prevent its detection if it exists. The magistrate should be called upon to explain if, in every case where the detention of the prisoner before examination exceeded the time prescribed by law, a report was made to him, alleging the special reasons for such detention, and if so, whether the lengthened periods for which the prisoners had been thus detained did not lead him to bring the subject to the notice of the Foujdaree Adawlut? As the matter now stands, great blame appears to attach to both the Foujdar and the magistrate.

30. The Right honourable the Governor in Council, on a careful review of this important inquiry, considers that the charges to the extent specified in the preceding remarks have been established against Mr. Spiers. It becomes then his duty to consider in what manner he shall mark his sense of that officer's misconduct. He feels that an example is demanded as a warning to the police of this Presidency to abstain from illegal and oppressive treatment of prisoners under their custody. He therefore resolves to dismiss Mr. Spiers from the service of Government, and directs that this decision, together with the charges against Mr. Spiers, and the extent to which they have been established to the satisfaction of Government, be communicated to all magistrates and superintendents of police for their information, and for communication to their subordinates.

31. The Right honourable the Governor in Council also directs the dismissal of Ballajee Punt, the Foujdar's carcoon, who has been proved to have been an active instrument in the ill-treatment of several of the deponents in these cases, when before the police.

32. The commendations of Government may be expressed to Mr. Inverarity in the able manner in which he has acquitted himself of the duty assigned to him.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

26 July 1855.

EXTRACT Judicial Letter to Bombay ; dated 30 January (No. 2) 1856.

Letter from, dated 13 August (No. 41) 1855. Charges of torture and violence preferred against the Poonah police.

32. You very properly submitted these charges for investigation under the provisions of Act XXXVII. of 1850, and appointed Mr. George Inverarity a Special Commissioner for that purpose. The duty seems to have been discharged by him in a very efficient and satisfactory manner. He found the charges of torture supported in some instances by perjury, and in others by inconsistent testimony, but in none by proof sufficient to entitle them to belief. Nevertheless the system pursued by Mr. Spiers, the Foujdar, towards persons charged with offences was cruel, irregular, and illegal in many respects; particularly with regard to the length of time during which prisoners were detained before being sent to the magistrate; to the place of their confinement, which was unfit for the purpose; and to a practice of calling them up for examination at a late hour of the night, and taking confessions from them. Proceedings of such a nature doubtless led to ill-usage and intimidation. This conclusion having been come to by the Commissioner and by your Government, you very properly passed a resolution, removing Mr. Spiers from the service of Government, and also dismissing the Foujdar's carcoon, Ballajee Punt. We entirely approve of the course adopted by you, and only regret that criminal proceedings were not instituted against those who were implicated in such transactions. We desire that you will convey our severe displeasure both to the magistrate and superintendent of police, for we feel persuaded that much of the ill-treatment of the prisoners was owing to the want of vigilant superintendence on their part, and we are above all surprised to find that they could have allowed any human beings to have been incarcerated in the horrible and unwholesome places of confinement so forcibly described by Mr. Inverarity.

33. We

33. We observe that you state that "the evil will be remedied under instructions for the proper construction and arrangement of places of custody for untried prisoners."

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34. These cells are evidently unfit for prisoners of any kind, and therefore we rely upon your assurance that they will not be again used till they have been enlarged and made suitable for the reception of prisoners.

— No. 2. —

ON THE GENERAL SUBJECT OF TORTURE AT THE PRESIDENCY.
CASE OF TORTURE AT NASSICK.

Judicial Department, 3 October (No. 46) 1855.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

IN continuation of our despatch, No. 41, dated the 13th of August last, forwarding the proceedings of an inquiry into certain charges preferred against the Poonah police, we have the honour to transmit to your Honourable Court the accompanying copy of a minute recorded by our Honourable President, under date the 20th of July last, on the subject of torture generally at this Presidency, and of the correspondence to which it gave rise.

Torture:—On the general subject of, at this Presidency. Jud. Cons. 1855, 22 August, No. 7162A/63; October, No. 8610/14.

2. In referring your Honourable Court to these proceedings, it will be sufficient in this place to explain that the case cited in example, in para. 3 of our Honourable President's minute, is one in which a number of Nassick police were charged with having tortured a prisoner to death. These proceedings (which are very voluminous) will be forwarded to your Honourable Court by the next opportunity, as will also those regarding the removal of the magistrate of Poonah alluded to in the second para. of the further minute recorded by our Honourable President on the 29th ultimo.

We have, &c.
(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Bombay Castle, 3 October 1855.

EXTRACT Judicial Letter from Bombay; dated 17 October (No. 51) 1855.

1. REFERRING to para. 2 of our despatch, No. 46, dated the 3d October 1855, on the subject of torture generally at this Presidency, we beg to transmit copies of the proceedings held on the trial of certain members of the Nassick police for the murder of a prisoner in their custody, whom they had tortured with the view of extracting from him a confession of guilt.

Torture:—Proceedings relative to the Nassick torture case. Jud. Cons. 1855, 3 March, No. 1038/40; 25 July, No. 6505/8; 22 August, No. 7473/75; 5 September, No. 7768/70B, and 7771/73; 5 October, No. 8590/93.

2. For the sentiments of this Government on the subject, we beg to refer your Honourable Court to our resolution of the 15th August, a copy of which accompanies.

No. 7770.

EXTRACT from the Proceedings of Government in the Judicial Department.
(No. 173 of 1854.)

LETTER from Lieutenant *Alexander Bell*, Assistant Superintendent of Police, Nassick, to the Secretary to Government, Judicial Department, Police, Bombay.

Assistant Superintendent of Police Office,
Camp Sinnur, 27 December 1854.

Sir,

I HAVE the honour to report, for the information of the Right honourable the Governor in Council, that the case of torture, for the trial of which the session judge of Ahmednuggur was sent to Nassick by the judges of the Suddur

Jud. Cons. 1855, 3 March, No. 1038.

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Foujdaree Adawlut, under orders from Government, was brought to a close yesterday, and the seven prisoners arraigned before the Court found "guilty," as follows: Prisoners, No. 1 to 6, as per margin, of "culpable homicide," under the provisions of Regulation XIV. sect. 27, of A. D. 1827, and sentenced under the same regulation and section, to undergo four years and two months imprisonment, *i. e.*, four years with hard labour, and two months in solitary confinement, the first and last seven days of each month to be on conjee diet; and prisoner, No. 7, as per margin, found "guilty" under the provisions of Regulation XIV. sect. 1, clause 5, of A. D. 1827, of aiding and assisting in the above crime, and sentenced under the provisions of sect. 27, and sect. 1, clause 5, of Regulation XIV. of A. D. 1827, to two years and two months imprisonment, *i. e.*, two years with hard labour, and two months in solitary confinement, the first and last seven days of each month to be on conjee diet.

No. 1. Wakajee Wd. Ramjee Police Patell.

No. 2. Suddoojee Wd. Ramjee Naik.

No. 3. Ramsing Wd. Sham Sing.

No. 4. Bowan Sing Wd. Natha Sing.

No. 5. Dhoudee Wd. Rayajee.

No. 6. Guttoo Wd. Bcojee.

No. 7. Bappoo Wd. Hybutrao.

2. Circulars detailing the offence, and mentioning the sentence awarded, have been forwarded to all the joint police officers under my orders, to be read and explained to all the policemen in the sub-collectorate, and I confidently hope that the example made of these men will deter others from ever ill-treating prisoners in future.

I have, &c.

(signed) *Alexander Bell*, Lieutenant,
Assistant Superintendent of Police, Nassick.

Jud. Cons. 1855,
5 September,
No. 7768.

LETTER from the First Assistant Registrar of the Sudder Foujdaree Adawlut;
dated 29 May 1855, No. 1334.

Sir,

Present:
A. Remington, Esq.,
M. Larken, Esq.,
and W. H. Harrison, Esq.

I AM directed by the judges of the Sudder Foujdaree Adawlut to forward, for the purpose of being laid before the Right honourable the Governor in Council, the documents noted in the margin,* in the case of the prisoners Wakajee Wullud Ramjee and others, together with an extract from the proceedings of the Court, of the 17th January, 28th March, 4th April, and 2d and 16th May 1855.

2. This is done, I am directed to state, in view to attracting the attention of Government to the conduct of the Nassick native police in this case, and to soliciting their notice to the necessity for medical officers being proficient in the science of medical jurisprudence, in the hope entertained by the Court that this study may be a stringent test for the examination of candidates for the medical service.

RESOLUTION.

1. THE conviction and sentence of the prisoner Bappoo Wullud Hybuttee are annulled, and he is to be discharged, there being nothing to show that he counselled, assisted or interfered in the commission of the offence of which the other prisoners were convicted.

2. The petition of the other six prisoners is rejected.

3. While the Court find on the proceedings submitted reason to commend the late joint magistrate, Mr. Turquand, for the diligent prosecution of the inquiry which led to the trial, they must express their disappointment at finding the facts of the case imperfectly investigated by the session judge.

4. It was his duty to have put beyond any question the cause of Gunnoo's death, before proceeding with the evidence which was to fix the assault upon the prisoners. But the medical testimony was recorded replete with confusion, and

* 1. Original extract from the proceedings of the session judge of Ahmednuggur; 2. Original proceedings of the acting joint magistrate of Nassick.

and essential omissions are apparent, and had there not been manifest to the Suddur Court other evidence sufficient to corroborate Gunnoo's story, and so to establish the cause of death, and to connect it with the acts of the prisoners, the conviction could not have been upheld.

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5. In respect to the evidence for the defence, the session judge records extraordinary reasons for refusing credence to much of it; for instance, he rejects the evidence of Luteeb and Nunny, because they are prostitutes, and because one of them possibly prostituted herself to the prisoners every day, an assumption which there is no trace of evidence to justify.

6. Even when in the course of the evidence for the prosecution anything was elicited in favour of the prisoners, it received little consideration, and however exaggerated the prisoners' defence may be, the treatment of the case by the session judge had the effect of strengthening their hands.

7. The Court cannot withhold their opinion that proper attention was not paid to the deceased, Gunnoo, by the medical officers and the parties who had him in custody; it is impossible to believe that the symptoms of his wretched condition ought not earlier to have called for medical treatment. He was a weakly lad, over-fatigued and agitated, and suffering from the events of the day of his apprehension, and however criminal he may have been, his state must have required those offices of humanity which it is clear he did not obtain till too late.

8. The Court consider that the proceedings in this case should be laid before Government, with the object of drawing their attention to the conduct of the Nassick native police, of all grades, who are connected with this inquiry; and also to solicit their attention to the necessity for their medical officers being proficient in the science of medical jurisprudence, with the hope of the Court that this study may be a stringent test for the examination of candidates for the medical service.

RESOLUTION by the Honourable Board.

THE question for consideration before the session judge was whether the prisoners Nos. 1 to 6 caused the death of Gunnoo in the manner described in the indictment, or whether Gunnoo had died from the effects of a disease by which he had previously been afflicted. The session judge held that the prisoners Nos. 1 to 6 had caused the death of the deceased, as stated in the charge. Having arrived at this conclusion, the Right honourable the Governor in Council is unable to understand why the session judge did not find the prisoners guilty of "murder;" the Right honourable the Governor in Council is clearly of opinion that if the prisoners did perpetrate the act which forms the subject of the charge, they were guilty of "murder," and that the punishment awarded by the session judge is utterly inadequate to their crime.

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2. The judges, in laying their proceedings before Government, have drawn the attention of the Right honourable the Governor in Council to the conduct of the Nassick native police, and to the necessity which exists for medical officers being proficient in the science of medical jurisprudence.

3. The Right honourable the Governor in Council considers that the enormity of the crime of which the prisoners Nos. 1 to 6 have been convicted, cannot be exaggerated, and he deeply laments that the punishment awarded is far too light to operate as a warning to the police subordinates in Nassick and throughout the Presidency.

4. The conduct of the Foujdar Shaik Mahomed Wullud Kazee Mahomed demands the severe notice of Government. The Right honourable the Governor in Council, without affirming it was the intention of this officer that atrocious cruelty should be practised, cannot resist the conclusion that when the Foujdar ordered the unfortunate prisoner to be taken aside, he intended that a confession should be extorted from him by threats and ill usage; holding this opinion, the Right honourable the Governor in Council has a plain duty to perform, which is to direct that the Foujdar be dismissed from the service of Government.

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5. The suggestion of the judges of the Sudur Foujdaree Adawlut that a proficiency in medical jurisprudence should form one of the tests of examination in the competition for medical appointments in the Honourable Company's service, appears to the Right honourable the Governor in Council to be eminently judicious, although it is believed that a knowledge of this subject is already required by the College of Surgeons, and the other examining bodies in Great Britain. It should be submitted for the consideration of the Honourable the Court of Directors. It has already been recommended that this subject should be included in the examination for medical degrees in the university about to be established at Bombay.

6. The Governor in Council cannot avoid remarking that in the present case, if the evidence of the cause of death is less complete than it might have been, this is not so much to be attributed to the want of knowledge of medical jurisprudence on the part of Dr. Pelly, as to the omission of the session judge to put such questions to him as would probably have elicited the required information.

7. Such parts of the minutes and resolution of the judges as relate to this suggestion, to the defective character of the medical evidence on this trial, and to the absence of proper attention to the deceased Gunnoo by the medical officers, should be sent to the Medical Board, with a request that Government may be favoured with the opinion of that authority on the subjects under discussion.

8. The Right honourable the Governor in Council fully concurs in the opinion expressed by the judges, of the zeal and ability displayed by Mr. Turquand, the joint magistrate, in the preliminary investigation of this crime.

9. The general subject of "torture" has occupied and is still occupying the attention of his Lordship in Council, and a reference has been recently made to the judges of the Sudder as to the state of the law on the subject; his Lordship in Council will therefore reserve his opinion as to the measures which should be adopted for the suppression of this horrible system, until he has received the information required from the judges.

15 August 1855.

(signed) *Elphinstone.*

MINUTE by the Honourable Mr. *Lumsden.*

No. 7770 A.

I SHARE in the astonishment expressed by the Right honourable the President that the judge who convicted the prisoners of having caused the death of the deceased by torture, should not have convicted them of murder.

I concur in the dismissal of the Foujdar.

I concur entirely in the observation that the want of evidence as to the cause of Gunnoo's death, appears principally due to the omission of the session judge to question the medical officer, Dr. Pelly, properly on the subject. The censures of the Sudder judges in this respect appear to me to be eminently deserved; it is shown that though a conviction has been recorded and sustained, that the cause of Gunnoo's death has not been put beyond a doubt; I perfectly, however, concur in the justice and soundness of the conclusion, that the accused by their acts did cause his death.

18 August 1855.

(signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *Malet.*

No. 7770 B.

I CONCUR entirely in the remarks of the Right honourable the President.

(signed) *A. Malet.*

EXTRACT from the Proceedings of Government in the Judicial Department.

MINUTE by the Right Honourable the Governor

1. I DEEM it right to offer a few remarks, which have suggested themselves to me from a perusal of the Madras Torture Commissioners' Report. Jud. Cons. 1855,
22 August,
No. 7162 A.

2. There can be no doubt of the fact that torture generally of a petty, but sometimes of an aggravated character, is still commonly resorted to by the native subordinate officials under the Madras Presidency as a means of procuring evidence of crime, of obtaining the payment of revenue, and perhaps, most frequently of all, of extorting a black mail upon their own account.

3. There is too much reason to fear that the same system, though I would hope not to an equal extent, prevails in this Presidency.

Unfortunately, we have only too recently had an example of torture of a most cruel and revolting description, inflicted by the police upon a prisoner charged with the commission of a heinous offence. Other instances also might be quoted, in which police officers have been accused of resorting to this nefarious practice; in short, we cannot yet congratulate ourselves upon exemption from an evil which has existed no doubt from time immemorial, not only in every part of India, but throughout the length and breadth of Asia.

4. The Madras Commission has no doubt been of use in establishing the fact, that the practice still prevails, although mitigated in its application by the fear of detection, and by the knowledge that if detected it will be punished; but this fact having been once established, it does not appear to me to be necessary (corroborated as it unfortunately is by the example to which I have just alluded, and by other instances,) to institute any further inquiry to arrive at a similar result in this Presidency.

5. I assume that the existence of the evil may be admitted, and that what we have now to consider is how it can be most effectually repressed and prevented.

6. The Madras Commission has largely quoted from the despatch of the Honourable Court of Directors to the Madras Government, dated the 11th of April 1826; but they have been somewhat sparing in their quotations from the reply of the Government of Madras. I think, however, that in considering the subject with a view to the discovery of a remedy for the evils there described, the opinions of such men as Sir Thomas Munro and of his council should not have been overlooked:—

“8. Your Honourable Court have animadverted at considerable length, and with just severity, upon the conduct of native police officers in extorting confessions from prisoners, and appear to apprehend that they are not sufficiently under control. In those cases where police officers have been convicted of practising cruelty on persons in their custody, it is satisfactory to know that they have been severely punished; but our belief is, that, in a great proportion of the cases where violence is charged, none has been used. It has now become so generally a practice with prisoners to bring forward at some stage of the trial a charge of having been compelled to confess the crime before the police officers, and witnesses in support of their assertions are so easily found among their relations and friends, that the tahsildars are cautious to avoid the appearance of anything which can in any way be construed into an undue use of the authority vested in them.

“9. As a proof how easily witnesses can be procured in support of accusations of violence, and how readily their evidence is received, we beg leave to refer your Honourable Court to a case brought to our notice by the magistrate of Coimbatore, and recorded in our Consultation of the 3rd April. It is there stated, that certain prisoners charged with having committed an atrocious murder in open day confessed the crime before the police, and when brought before the criminal judge denied it, and asserted that their depositions had been extorted; but alleged that they had no evidence to prove that they had

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been ill-used by the police. Before the Court of Circuit, however, they called several witnesses to prove the fact, and although the depositions of the witnesses differed in all material points from the statement made by the prisoners, their evidence was received, and an opinion strongly condemning the conduct of the police was recorded by the Court, and communicated to the magistrate in order that the parties accused might be severely punished. We believe that in this and in most other cases, in which cruelty is charged against the police there is not the slightest ground for believing that any has been practised; and it is a matter of surprise that police officers, restrained on the one hand by the dread of being dragged before the Court to answer to charges of imputed irregularity for misconduct, and stimulated on the other by the fear of drawing down upon themselves the displeasure of the magistrate, in the event of any apparent remissness, discharge their duties so creditably and efficiently. The increasing tranquillity of the country, and the gradual diminution of organised bands of robbers, sufficiently prove the useful and meritorious services of the police. In the Zilla of Ganjam, the notorious freebooter Maharta and his principal accomplices, against whom a military force had on several former occasions been unsuccessfully employed, have lately been apprehended by the police alone, and the magistrate of Guntoor has reported that the principal and most troublesome, Chenchoo, Bochee, Naick, and others, had been induced to surrender themselves, and have been brought to a civil and peaceable mode of livelihood, which he justly observes could not have been effected, unless the country had been under one person in the offices of collector and magistrate; while to the southward the notorious gang of robbers, Appoo and Cantoun, who had for some years past infested the districts of Trichinopoly and Salem, have been at last secured, and their haunts and associates discovered. There are now no districts in which gangs of robbers are known to exist, and it is believed that at no former period was the sense of security of persons and property more confirmed than it is at present.

“10. With regard to the control which is exercised over the police, we are not aware that any change could render it more efficient than it is at present; and we trust that your Honourable Court, on referring to the explanation given in the 46, 47, 48, 49 and 50 paragraphs of our proceedings, will concur with us in that opinion; but if on further experience it should be found that some alteration is necessary, we think it ought to be made, not by giving any new power to the provincial courts, but by authorising the judge on circuit to pass orders on petitions from every zilla within his range during the whole course of his circuit, without reference to the particular district in which he may be at the time.

“11. We are satisfied that more courts and more intermediate checks over the police are not wanted for the protection of the ryots from exactions, and of the inhabitants in general from theft and robbery; but more systematic experience, and consequently more aptitude among our local officers, both native and European, for the discharge of their several duties; we therefore entirely agree with your Honourable Court that a system of training is as necessary in the judicial as in the revenue line, and that an intermediate class of functionaries, similar to that already established in the revenue, should be introduced into the judicial department.”

(This letter is signed by Sir Thomas Munro, Sir George Walker, and Mr. Ogilvie.)

Resolution of the Madras Government, enclosed in their Letter of
27th April 1827.

“19. It is no doubt too certain that many irregularities are practised in obtaining confessions, and that in some instances atrocious acts are committed; but when the great number of prisoners apprehended is considered, and the habits of the people, themselves always accustomed to compulsion when there is suspicion, how difficult it is to eradicate such habits, and how small the proportion of cases in which violence has been used is to the whole mass, the number of these acts is hardly greater than was to be expected, and is every day diminishing. The prohibition against forced confessions is known to all the

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the native police officers, and it seems extraordinary that they should ever employ force; for they know that they have much to lose and nothing to gain by such conduct. But some of them, in spite of every injunction to the contrary, when they believe that the prisoner is guilty, think it right to extort confession. Police officers in general, however, will not gratuitously expose themselves to loss of place and their families to ruin by such conduct. Prisoners are sometimes hurt in attempting to escape, and notorious offenders are sometimes roughly treated by the villagers who assist in securing them. The marks thus caused are sometimes exhibited as evidence of extorted confession. Whenever there is proof of force having been used for such a purpose, the police officer should be invariably punished, and dismissed from the service. But great caution is necessary in believing the accusation of force; it should always be very clearly established before it is entitled to credit. Police matters are so public that the charge of violence, when true, can hardly be concealed. There are two things in which there is constantly very great exaggeration, the number of persons concerned in a robbery, and the number of extorted confessions: only a small part of the alleged cases of extorted confessions are ever substantiated. The Circuit Court say that the proof is difficult; but it is believed that, when true, the proof is easy, and that the difficulty lies in by far the greater part being unfounded. The charge is easily made, and the effect of its receiving belief from the Court of Circuit is so generally known that offenders very frequently bring it forward in some stage of the trial. It is a point which demands the greatest possible circumspection on the part of the magistrate. If he lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice: if he punishes the police officer charged with this offence in only a very few instances on false evidence, he will effectually deter the whole body from the jealous exercise of their duty, and let loose a host of robbers upon the community. No number of zillah courts would prevent the excess complained of among the native police. Were we to double the number it would have no effect in restraining them; they can only be checked and effectually put down by the vigilance of the magistrates; by never letting them pass unpunished; by the police officers finding from experience that they never could gain anything from the use of force, but would certainly suffer disgrace and punishment, and by time working a change in their habits.

“20. The irregularities committed by the police are now much more difficult of concealment than when the offices of zillah judge and magistrate were united in one person, confined to a fixed station; and though too many of the police officers are still frequently guilty of such irregularities, yet the conduct of the great body of them is highly useful and meritorious, and its effects are becoming every day more evident in the increasing tranquillity of the country, and the gradual diminution of organised bands of robbers. The amelioration, though occasionally retarded by the misconduct of local officers, continues to advance, and is gradually diminishing the number of crimes.

“21. The cruelties reported by the circuit judge to have been inflicted on certain inhabitants by the Parbutti and Holkars in Malabar, referred to in the 23rd and 24th paragraphs of the Honourable the Court's letter, were investigated by the collector, and found to be without proof.”

7. I have quoted these long passages not merely to show that former Governments of Madras have not been inattentive to the subject of the present Report, but to show the difficulty which there is in dealing with that subject, and to express my concurrence in much that these extracts contain.

8. I would especially notice the difficulties pointed out in the 19th paragraph of these Resolutions of the Government of Sir Thomas Munro; the dilemma is one from which it is impossible to escape:—

“If the magistrate lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice; if he punishes the police officer in only a very few instances upon false evidence, he will effectually deter the whole body from the zealous exercise of their duty.”

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9. In considering, therefore, the measures which have been proposed by the Madras Torture Commission, it is essential that we should not lose sight of this difficulty. These are :

- 1st. The larger employment of European agency.
- 2nd. The amendment of the law.
- 3rd. The separation of revenue from police powers.
- 4th. The subjection of the police to separate European authority.

The police in each district being commanded by a European officer who can give his undivided time and energies to this one object.

10. First, the larger employment of European agency subsequently explained as "uncovenanted" agency, which it is proposed to place at Madras upon an improved footing, more nearly approaching that of the other Presidencies.

11. To this remedy I would only object that it is by no means clear that the larger employment of European and uncovenanted agency in the other Presidencies has had the effect of suppressing these practices.

12. I need only refer to the horrible case at Nassick, where the unfortunate sufferer was examined by the superintendent of police, Lieutenant Bell, and never complained of the ill-treatment he had received, although he was actually dying of it. I may also quote the case of Mr. Spiers, the Foujdar of Poonah, who, although acquitted of employing actual torture, has been proved to have been in the habit of extorting confessions by acting on the fears of the accused, by having them taken from their cells in the middle of the night to a distant part of the gaol, where they were subjected to a severe examination, accompanied by threats, pushes, and handcuffing. The same officer has been proved to have arbitrarily refused bail in cases in which bailable offences were alone involved, and to have flagrantly disregarded the regulations which prescribe the early transmission of prisoners to the magisterial authorities. The conduct of this officer has been so highly reprehensible that we have been compelled to order his dismissal. I allude to these cases to show that these practices will not be prevented by simply having recourse to a different species of agency.

13. If, indeed, it be intended by this recommendation to urge the expediency of making a large addition to the amount of European agency, such addition being exempted from the examinations to which the candidates for the covenanted services are subject, I should strongly object to the measure, which it appears to me would be most unjust to the educated youth of India, who, after having qualified themselves to fill higher offices than any which have been heretofore open to them, would find even the share of power and authority, which has always been left to native magistrates, curtailed by the intervention of a new body of Europeans whose superiority over themselves would be, in many respects, at least doubtful. Such an increase of European agency could have no other effect than to damp the legitimate ambition of the rising generation of natives, and would go far to confirm the suspicion so recklessly instilled by certain writers and speakers, that our Government is not really anxious to advance the natives of this country, even when they deserve advancement, and that it seeks only to increase the amount of place and patronage which it may distribute among our own countrymen.

14. The second proposed remedy is the amendment of the law.

15. Under this Presidency the practice of torture is not acknowledged by any express enactment pointed against it; but there are several under which native officials in the Revenue, Judicial and Police Departments respectively may be punished for misconduct and abuse of authority generally.

16. By Regulation II. of 1827, sect. 36, it is provided, with reference to native officers of civil courts, that "Bribery, extortion, and generally all acts of abuse or misapplication of authority or neglect of duty, shall be punishable as criminal offences with fine and imprisonment, without hard labour, for a period
not

not exceeding seven years. Punishments adjudged under this Act shall not preclude any other prosecution, civil or criminal, to which the offender may be liable."

17. By Regulation XII. of 1827, chap. 1, sect. 18, the same provisions are made applicable to police officers.

18. By Regulation XIII. of 1827, chap. 1, sect. 10, the officers of criminal courts are made punishable in the same manner as enacted respecting such officers in their civil capacity.

19. By Regulation XVII. of 1827, chap. 4, sect. 16, undue exactions by revenue officers are declared criminal offences, and liable to punishment by imprisonment not exceeding seven years, and a fine not exceeding ten times the amount of the undue exaction.

20. There is further a general enactment in Regulation XIV. of 1827, chap. 5, which, providing against assaults, would include all species of abuse of authority whereby bodily suffering was inflicted; and under the provisions of which any officer not coming within the scope of the above-recited enactments might, I presume, be indicted; it declares that "any unlawful mode of wilfully producing bodily injury or suffering, though not actually an assault, shall be punishable according to the consequences produced, in the same way and to the same extent as an assault;" that is with fine, imprisonment and flogging, or any of these combined.

21. These appear to be all the penal enactments bearing on this subject in the Bombay Regulations and Acts. It may be doubted, perhaps, whether the provision against undue exactions by revenue officers is sufficiently broadly worded to include all the cases of abuse of authority which are comprised in the enactments relating to police and judicial officers, for it may be very possible that unfair means may be employed to compel payment which cannot be denominated undue exactions, but in this case the offending party might always be indicted under Regulation XIV. for an assault, and his conviction and punishment equally secured.

22. There is another very important provision in the Regulations which, although it has no penal consequences attached to it, ought to be in all cases very strictly enforced. This is contained in Regulation XII. of 1827, chap. 5, sect. 43, clause 4, and in the same Regulation, chap. 6, sect. 50, clause 4, whereby the district and village police are enjoined not to delay the transmission of prisoners to the magistrate beyond 48 and 24 hours respectively, unless for indispensable reasons, which must always be reported with the case, or before it, to the magistrate.

23. I am inclined to believe, that, on the whole, the state of the law in general on this subject is far from unsatisfactory, that its provisions are well calculated, as far as mere legal enactments can be effective for such a purpose, to aid in putting down the malpractices complained of, and that little reform or amendment will be required. But in order to be effective the law must be vigorously acted up to, and, above all, the provision against the detention of prisoners in custody for a needless length of time must be strictly and universally enforced. But although these are the results which I have arrived at from the consideration of the law as it stands, I do not think that we are in such a good position to judge of our wants and requirements in this respect, as the judges of the Sudder, whose practical experience of the working of the law enables them to pronounce upon it with greater certainty; I propose, therefore, to refer this part of the subject to them for their report, and for any suggestions that they may wish to make as to the advisability of new enactments to render the law more effective.

24. The third and fourth recommendations of the Madras Torture Commission may be said to have had a fair trial in this Presidency; but I fear that we cannot flatter ourselves with the belief that they have succeeded in effecting the object for which they are now proposed.

25. It remains for me to state my own opinions upon this painful subject, painful because I am not sanguine that any measures that can be taken will

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have the effect of putting down at once and for ever a practice repugnant both to justice and to common humanity, but which is not yet viewed in its proper light by the people of this country. In time, no doubt, we shall succeed in extirpating this, as we have done greater evils; and a Government which destroyed the Pindarees, by far the most powerful organisation which the world ever saw for the purposes of plunder, commonly extorted by the most atrocious tortures; which, in more recent times, has succeeded in suppressing suttee and infanticide; which has cleared India of the Thugs, and has arrested, even in the depths of the inaccessible jungles and fastnesses of Orissa, the horrid rite of human sacrifice, will not always be baffled in its endeavours to restrain the malpractices of its own servants.

26. The only measures, however, which I can suggest are, 1st. Strict and invariable attention to the Regulations to which I have already alluded (XII. of 1827, chap. 5, sect. 43, and chap. 6, sect. 50), whereby the district and village police are enjoined not to delay the transmission of prisoners beyond 48 and 24 hours respectively. I observe that the old orders of the court of Foujdaree Adawlut at Madras repeatedly prescribe the same course; see especially Appendix B. of the Madras Torture Report. I am not going to say that if these orders had been attended to in every case no instance of torture could have occurred. The Nassick case at once forbids the supposition; but I do believe that nothing would tend more to eradicate the habit of torturing prisoners, with a view to extort confessions, than a rigid enforcement of this Regulation.

27. 2dly. The infliction, in every proved case of torture, of the heaviest penalty authorised by law. Here, too, I am met by examples of severity, which prove that although the fear of punishment may have some deterring effect, yet it will not suffice to extirpate the evil. I find the following paragraph in the Resolutions in the Government of Madras, from which I have already made some extracts:

“18. The Honourable Court have animadverted in paragraphs 26 to 29 of their despatch at considerable length, and with just severity, upon the conduct of the native police officers in extorting confessions from prisoners; and they specify some very atrocious cases, among which are the murder of a man by a peon in endeavouring to extort confession, and the maiming of a prisoner by a patail in torturing him for the same object. In both cases, however, it is satisfactory to know that the offenders were convicted and punished, the one capitally, and the other with two years' imprisonment with hard labour.”

28. I have already given my opinion upon the recommendation of the Madras Commission as to the employment of a larger amount of European agency: but there is one species of agency to which I have not alluded, and from which I anticipate the most effectual, though not the most immediate, results. I mean the agency of the schoolmaster. I am persuaded that if the practice of torture, and corruption, and all those kindred evils which are apparently inseparable from the possession of power by the lower grades, at least of native officials, are ever to be eradicated, it can only be done by teaching the mass of the people their rights, and by showing them how they are to be defended. The reluctance of the ryots to come forward to give evidence against those who are guilty of those malpractices does not proceed solely from apathy. The Madras Commissioners remark (paragraph 70), that “the natives will often travel at great personal loss and inconvenience to make complaints even of a very petty nature to the collector or sub-collector.” There can be no doubt that this is the case; why then do they not come forward, when black mail is wrung from them, or confessions extorted by the application of torture? Simply because such has ever been the custom of the country, and they know no better than to submit. Enlighten them as to their rights, and employ, if you will, your educational machinery, not only for the diffusion of this branch of useful knowledge, but for the detection and exposure of the particular class of malpractices to which our attention has now been called.

29. These, and the adoption of any amendment of the law which may be recommended by the Sudder, and which may, upon consideration, appear unobjectionable and expedient, are the only suggestions which I have to offer. If concurred in by the Board, they will be easily carried into effect. If any others occur

occur to my honourable colleagues, I trust they will place them upon record, and that upon a question of so much importance, and which is likely to produce so great a sensation on the public mind at home, we shall be able, at no distant date, to transmit our collective sentiments to the Honourable Court of Directors and the Government of India.

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20 July 1855.

(signed) *Elphinstone.*

MINUTE by the Honourable Mr. *Lumsden.*

I HAVE only at present to express my entire concurrence in these remarks by our Right honourable President. I will defer any further remarks or suggestions which I may have to offer until we receive a reply to the proposed reference to the Sudder, and the subject is again brought under our notice.

No. 7162 B.

27 July 1855.

(signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *Malet.*

I CONCUR in the reference in the first instance to the judges of the Sudder Adawlut.

No. 7162 c.

27 July 1855.

(signed) *A. Malet.*

No. 3562 of 1855, Judicial Department.

LETTER to the Registrar of the Sudder Adawlut.

Sir,

I AM directed to transmit to you the accompanying printed copy of the "Report of the Commissioners for the investigation of alleged cases of torture" in the Madras Presidency, with an extract (paras. 1 to 5, and 14 to 23) of a minute on the subject by the Right honourable the Governor, dated 20th ultimo, and concurred in by the Honourable Board, and to request that the judges will be good enough to favour Government with their opinion, and report on the points indicated at the close of para. 23 thereof.

No. 7163.

You will have the goodness to return with your reply the printed Report of the Madras Commission now sent to you.

Bombay Castle,
10 August 1855.

I have, &c.
(signed) *H. L. Anderson,*
Secretary to Government.

From the Registrar of the Sudder Foujdaree Adawlut.

Sir,

I HAVE the honour, by direction of the judges of the Sudder Foujdaree Adawlut, to acknowledge the receipt of your letter, No. 3562, dated 10th ultimo, with enclosures, requesting the opinion of the Court as to the advisability of new enactments to render the law for punishing cases of torture more effective.

Present :
A. Remington, Esq.,
M. Larken, Esq.,
and W. H. Harrison, Esq.
1855, Jud. Cons.,
October.
No. 8610.

2. In reply, I am desired to state that the Court are of opinion that the law, as it now stands, is ample to meet any offence committed by the police, in eliciting confession by improper means, as well as to punish revenue officers guilty of extorting illicit demands by the application of torture.

3. The judges consider that a great deal may be expected from the superintendents of police in checking the practice of extorting confession, and that the best protection against native officials in this respect will be found in diligence and zeal with which these officers perform their duties under the immediate

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control of Government, without exhibiting an over-anxiety for convictions, and so encouraging their subordinates to obtain confession from accused persons at any cost.

4. In respect to illegal means to collect the revenue, the Court are of opinion that they are seldom resorted to. But should unfortunately any case occur, the interpretation on section 8, Regulation XII. of 1827, of the 28th April 1836, will be found to point to a suitable punishment. Government, however, have taken the most effectual means of preventing any excess of this kind by introducing a light and equitable assessment, so as to enable the collectors to realise the year's revenue within the year, which the Court have reason to believe is now done in the Dharwar Collectorate, and that of Broach, where the rates have been revised under the able superintendence of Major Wingate and the late Messrs. Davies and Goldsmid.

5. The Court, I am desired to state, do not therefore consider any legislative enactment is called for to render the law more effective.

6. They have, however, issued a circular to all the magistrates, reminding them that they are held answerable for the responsibility imposed on them by law, of requiring that district police officers shall not retain prisoners in their custody beyond 48 hours, except for indispensable causes which they are bound to set forth fully in the quarterly returns they render to the Court under the circular order, No. 347.

7. The printed Report of the Madras Commission is herewith returned as requested in your letter under reply.

I have, &c.
(signed) *M. A. Coxon,*
Registrar.

Bombay, Sudder Foujdaree Adawlut,
7 September 1855.

MINUTE by the Right Honourable the Governor.

No. 8611. THE papers should now be sent to my honourable colleagues. I may have something to add to the observations which I have recorded, but I will defer doing so until I have had an opportunity of seeing their remarks.

(signed) *Elphinstone.*

10 September 1855.

MINUTE by the Honourable Mr. *Lumsden.*

No. 8612. I AM disposed to think with the Sudder, that no new legislative enactment is required to suppress recourse to torture by our native police officials, with a view to procure confessions. I believe that no mere enactment, however stringent, will of itself lead to a total discontinuance of the practice. The present laws, if properly enforced, are however sufficiently severe and comprehensive for the requirements of the case. The improvement which we desire to see in our native police, implies an entire change in their views and opinions as to the manner, and even as to the matter, in obtaining evidence for criminal prosecutions. This then must be the work of time, and it is chiefly to the progress of education that we must look for the substitution in the native mind of just and enlightened notions of evidence in the room of bygone traditions and practice.

2. It may be of use to inquire, while devising a present remedy for the evil, how the practice of seeking for evidence of the guilt of the suspected in their forced confessions originated, and how it is found so difficult to eradicate it under the humane and civilized government? For we shall find, that, if it is deeply rooted, the cause is not to be looked for alone in that propensity to resort to violence for the accomplishment of its objects, which is the characteristic of all barbarous and despotic governments like the one to which we have succeeded. It is more than this. There are circumstances depending upon the peculiar social institutions of this country which place strong temptation in

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in the way of the police to resort to torture, because secret inquiries, from the very nature of the native social system, are greatly facilitated, and the strongest, and generally, it must be admitted, well-founded suspicions, are directed thereby upon particular individuals, though substantial proof may be wanting.

The systematic division of the people into castes and sections which have no sympathy in common, a system which has even strongly stamped its impress upon the descendants of the Mahometan conquerors of the country, enables the members of the same caste, whose sympathies are on the other hand concentrated upon it, to overlook each other's actions, and to pry into each other's proceedings in a manner too minute to be readily understood by a European. When a crime then has been committed, the first result of an investigation, vigorously prosecuted on the spot, is to circumscribe the area of inquiry by its leading immediately to the conclusion that the offenders belong to a particular caste. Once certain of this fact, it is next to certain that very many members of the caste will be able to point out the individuals, and it is then no longer difficult to obtain secret and confidential communications given on a pledge of silence.

Indeed in some parts of India, as in Goozerat, there is a class of professional informers there called Mookhia, who take advantage of this peculiar framework of society to hunt information regarding robberies for the police with unerring accuracy and for the sake of reward; but the invariable condition of their assistance is silence and secrecy as regards themselves.

A right clue being thus obtained the parties implicated are arrested, and under such circumstances the police of native states resorted without scruple to torture, except (as generally happened) the accused, conscious of guilt, and believing that sufficient proof against him was forthcoming, made a free and full confession.

The temptation to pursue this barbarous system of inquiry in our own provinces lies in the fact, that it is very frequently successful. A native policeman, ambitious of distinction as a detective, and removed for the time from under the eye of his European superior, can see no harm in a practice which enables him to bring unerring proof of his success, and to recover the stolen property by information furnished by the thief.

When we recollect that the practice, however barbarous and detestable, has prescriptive prestige and native opinion in its favour, and how few and far between are the European officers who administer this vast country and govern through a numerous and scattered native agency, the wonder, after what I have endeavoured to explain, is not that in spite of their best vigilance an occasional case of resort to torture should come to light, but that such cases should be so uncommon.

It remains to consider what is the best practical measure, circumstanced as we are, to give an immediate and final check to the practice.

In my own opinion, the remedy is to be found in carrying out with correctness and vigour the reformed system of police proposed by Sir George Clerk, and perfected and adopted by his successor.

If the superintendents of police are selected solely for their activity and ability; if the rule which requires them to be perpetually on the move within their districts is enforced; if they are held responsible for the state of their charge, and rigorously dismissed when found incompetent; finally, if, instead of each being left indiscreetly to his own devices and to follow his own judgment, they are placed one and all under the general control of an active and able Commissioner, I believe that few if any instances of recourse to torture could occur, and that in any rare exception the immediate and severe punishment of all concerned would be sure to follow.

It is only by such agency that the strict enforcement of the Regulations, which prescribe the period during which the accused may be detained before being forwarded to the magistrate, can be effectually secured, and this provision, as our Right honourable President has justly remarked, is one of the most effective safeguards against police mal-administration.

Of the employment of torture by the revenue authorities I have said nothing, for I believe it to be very rare indeed. But the care for the one will answer for the other; and where there is an active superintendent constantly travelling

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through the districts, and open to the hearing of all complaining, few patells will be found to abuse the limited power entrusted to them, and to risk almost certain detection and dismissal.

17 September 1855.

(signed) *J. G. Lumsden.*MINUTE by the Honourable Mr. *Malet.*

No. 8613.

I do not find on record facts to induce me to believe that a system of torture by the police has existed in this Presidency, the small extent of our territory, the comparatively large proportion of European agency (with reference to Madras), and the character of our predatory classes which supply the greatest number of our criminals, favour my supposition that the system does not exist, and that instances of the crime are not very frequent; still as they do occur, and may at times, as in the late Nassick case, be of terrible atrocity, it is a most urgent duty that means of prevention, if wanting hitherto, should be supplied, and if they exist that they should be energetically employed.

We are, therefore, much indebted to our Right honourable President for bringing the subject under consideration, and for the manner in which he has treated it. I concur in the opinion of the state of the law recorded in the 23rd para. of our President's minute, and the Sudder judges also are of opinion that its provisions are sufficient. The new system of police when completed, and when its operations are directed and supervised by an able superintendent, appears to me to leave theoretically little to wish for; it remains that individual responsibility be invariably and rigorously imposed, and we may thus hope that the crime will become rare, though it is hardly possible that it will ever be entirely eradicated.

21 September 1855.

(signed) *A. Malet.*

MINUTE by the Right Honourable the Governor.

No. 8614.

I THINK that our proceedings on the subject of torture may now be sent to the Honourable Court. The Government of India have just sanctioned the appointment of a head of the department of police throughout this Presidency, who is to hold this office in conjunction with that of inspector of prisons. I anticipate the best results from this combined appointment.

The judges of the Sudder, who agree with us in thinking that no alteration of the existing law is required, have issued a circular to all magistrates, reminding them that they are responsible that the district police officers do not keep prisoners in their custody beyond 48 hours without bringing them before a magistrate, and they have lately brought to our notice a case in which an acquitted prisoner was detained in custody for many months under the orders of a magistrate, in the hope either of obtaining further evidence against her, or of eliciting a confession from her. This magistrate has been removed from his appointment, and I trust that this example, and the very serious notice which we have taken of another recent instance of the illegal and protracted detention of untried prisoners, will have the effect of putting a stop to a practice so contrary to justice, and so likely to encourage similar abuse of authority, and a recourse to more violent, though they scarcely can be called more arbitrary, means of eliciting confessions on the part of native subordinate officials.

The Honourable Court may be assured that our best efforts will continue to be directed to the prevention of practices so repugnant to our sense of justice, and so injurious to the character of the Government.

29 September 1855.

(signed) *Elphinstone.*

(True extract.)
(signed) H. L. Anderson,
Secretary to Govt.

(Extract.)

Bombay.

Judicial Department, 26th November (No. 12) 1856.

Our Governor in Council at Bombay.

1. WE highly approve the attention given to the best means of effectually suppressing the practice of torture by the native servants of Government, in the proceedings to which the letters under reply have reference. It is gratifying to learn that the barbarous practice is believed to be rare for enforcing the collection of revenue. We observe also with satisfaction that the law, as it already exists, is considered both by your Government and by the Judges of the Sudder Court to be adequate to the punishment of persons guilty of this flagrant abuse of authority. For the purpose of removing the opportunity for such abuse, the attention of the village and district police has very properly been drawn to the rule of law by which the former are prohibited from detaining prisoners more than 24 hours, and the latter more than 48 hours.

Regarding Torture.
Letter dated 3 October (No. 46),
1855.

Letter dated 17 October (No. 51),
1855.

Letter dated 3 December (No. 61),
1855.

Letter dated 31 December (No. 65),
1855.

2. While we agree with the reflections recorded in the minutes of Lord Elphinstone and Mr. Lumsden, that it may be a common practice on the part of criminals to accuse the police of ill-usage, and that we must not allow our abhorrence of torture to be used by criminals as a means of escape from the penalty of their crimes, at the same time it must be impressed upon the minds of our native officers, by a vigorous but judicious course of action, and by prompt and adequate punishment in cases of proved delinquency, that we are resolved (to use the proper language of his Lordship's minute) not to be always baffled in our endeavours to restrain their malpractices, and although we may console ourselves with the knowledge that our European servants are to an extent exempt from this reproach, we at the same time feel it difficult to believe that superintendents, like Lieutenant Bell in the papers before us, could not by a more strenuous vigilance and activity prevent the evil. Neither are we content to trust to the tardy check of the progress of education.

3. We had hoped that, after so long a period of European rule, it would not have been necessary to exculpate such offences against humanity by the poor plea that we derived them from our native predecessors. We have neglected a high duty if we have not better taught the natives whom we have subdued. The study from the schoolmaster may slowly settle by degrees better principles of government in the minds of the inhabitants, but in the meanwhile we must look to the sessions judge for peremptory and prompt punishment, and to your government for a vigorous tone and a public expression of your strong wish to uproot a practice which has excited disgust at home, and given us discredit in Europe. The Report of the Commission, appointed to examine into this subject in the Madras Presidency, has induced us to observe upon one of the first instances brought to our notice in Bombay with such severity, as will convince all our servants of the absolute duty of extirpating this evil.

4. Your letter, No. 51, relates principally to a case of torture at Nassick, which led to six police servants being sentenced to imprisonment for four years with hard labour, and two months more in solitary cells. In this case a prisoner had been apprehended on the 10th August 1854, for the murder of a child, whose ornaments were found concealed on his person.

5. The child was between four and five years old, and being missed by its parents for some time, suspicion was excited that it had been murdered for the sake of its ornaments; and as the prisoner, who was a cousin of the child, could nowhere be found, he was suspected of the murder. Search was immediately made by the Foujdar, and about four o'clock of the same day he was apprehended.

6. He denied his guilt at first, and did not confess it until the Foujdar said to the policeman, "Take him to one side, and question him, as he is afraid, and will not confess before me." He was then taken to a shed near, into which six policemen entered with him, while one kept watch outside. The door was shut, they remained inside 10 minutes, and when he came out he confessed the crime and pointed out a well, a mile and a half distant, where the child's body was found. He walked to and from the well, and did not appear to Lieutenant Bell, the superintendent of police (who arrived at the place shortly after the

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torture had been inflicted), or the other spectators, to be out of health. The prisoner did not complain of the torture, alleged to have been inflicted to compel him to confess, till the 12th, when he was removed to the hospital. He died on the 14th.

7. The trial of the police servants was held at Nassick, before Mr. J. W. Woodcock, sessions judge of Ahmednuggur. From the comments upon that proceeding by the judges of the Sudder Court, in their several minutes, as well as by the members of Government, we perceive that the trial was considered as having been conducted in a very unsatisfactory manner, an opinion in which we entirely concur. There is some doubt whether the crime was brought home to the prisoners by legal proof. If guilty, they had, in the judgment of the Sudder Court, committed murder, not culpable homicide, the crime of which the sessions judge convicted them. With regard to the failure in the medical evidence against the prisoners, we concur in the opinion of the medical board, in which you have expressed your concurrence, that it was not attributable to any deficiency on the part of Mr. Pelly, the surgeon, in his knowledge of medical jurisprudence, but only to the defective manner in which the judge conducted his examination.

8. Whether the guilt of the police servants was or was not established by legal proof, there was no reason to question the moral certainty that, for the purpose of extorting a confession from the deceased, they had inflicted upon him an act of atrocious cruelty, which probably was the immediate cause of his death. The sentence passed upon them by the sessions judge (inadequate as it was to their crime), having been sanctioned by the competent judicial authority, we trust that it may have a salutary effect in preventing similar practices. With the same view we think that you acted with perfect propriety in dismissing the Foujdar from his situation. He may probably not have directed the specific act of cruelty perpetrated upon the deceased, but there is every appearance of his having left it to the inferior officers of police to take their own measures for obtaining a confession. We desire that it may be publicly notified that the Foujdar, for his conduct in this transaction, shall not be again employed in any situation under your Government.

— No. 3. —

CHARGES OF TORTURE AGAINST THE SURAT POLICE.

(No. 55, of 1855.)

Judicial Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

Torture : Alleged charges of, against the Surat Police. Jud. Cons. 1854. 20 December, No. 9099-9102. " " " 9103-7. Jud. Cons. 1855. March, No. 476-80. " " 22-25. " " 214. " " 467-71. 10 October, No. 8941-50.	THE proceedings, which we now do ourselves the honour of forwarding to your Honourable Court, relate to certain allegations against the Surat Police, which were brought to our notice by the judges of the Sudder Foujdaree Adawlut in the four following cases : 1st. The case of Dyal Bugwa, an untried prisoner, who died in the Surat Hospital, on the 26th of July 1854, and who was alleged to have been starved and ill-treated by the police. 2d. The case of Hurlpursad Gunpursad, alleged to have been beaten by the police. 3d. The case of Kachia Lachia, stated to have committed suicide while in the hands of the police. 4th. Case No. 23, of the general calendar for Surat.
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2. Mr.

2. Mr. A. Bettington was appointed a Special Commissioner, under Act 37, of 1850, to investigate the charges, and the result of his inquiries are contained in the proceedings accompanying this despatch.

3. For the statements of this Government on the subject we would refer your Honourable Court to our resolution of the 28th September last, a copy of which accompanies.

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Jud. Cons. 1855,
19 October,
No. 8943-44.

We have, &c.
(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Bombay Castle, 2 November 1855.

RESOLUTION by the Honourable Board.

MR. BETTINGTON, as a Special Commissioner, under Act 37 of 1850, has instituted an inquiry regarding certain allegations against the Surat police, which have been brought to the notice of Government by the judges of the Sudr Foujdaree Adawlut.

No. 8943-44.

2. Mr. Bettington's inquiries have had reference to four distinct cases :

1st. The case of Dyal Bugwa, an untried prisoner, who died in the Surat Hospital on the 26th of July 1854, and who was alleged to have been starved and ill-treated by the police.

2d. The case of Hurlpursad Gunpursad, alleged to have been beaten by the police.

3d. The case of Kuchia Lachia, stated to have committed suicide while in the hands of the police.

4th. Case No. 23, of the general calendar for Surat.

3. The facts involved in the case of Dyal Bugwa were briefly as follows: On the 24th of July the civil surgeon of Surat, Dr. Lawrence, reported to the session judge the "ill-condition and extremely emaciated appearance of two untried prisoners recently admitted into the hospital, and who (in the civil surgeon's opinion) had been reduced to the last stage of debility from ill-treatment and starvation." On the 26th of July one of these prisoners, Dyal Bhugwa, died. At the subsequent inquest it is stated that Captain Hodgson, the superintendent of police, interfered unduly with the kotwal, who was taking the evidence of the other prisoners.

4. The first remark which these statements demand is, that the alleged ill-treatment must be charged against the police, and the alleged starvation against the magisterial department, as the prisoner had not been in custody of the former for some months previously to the decease of Dyal Bhugwa. The Right honourable the Governor in Council will first consider the allegation relative to starvation.

5. The magistrate, Mr. Liddell, states the daily allowance of food which was granted to Dyal Bhugwa (amounting in all to 1 lb. 11 oz.); and Mr. Bettington, who now holds the office of inspector-general of prisons, and whose opinion is of peculiar value, pronounces that the allowance is "most ample." If, therefore, what was allowed was really given, and it is not alleged that it was withheld, the accusation of starvation falls to the ground.

6. But this conclusion is rendered still more clear by the certificate and examination of Dr. Lawrence, from which it would appear that starvation, which is first softened down into "insufficient nourishment," really meant a deprivation of opium, the prisoner being an habitual opium eater. Finally, it would appear that Dyal Bhugwa died of "atrophia," a disease very prevalent among prisoners in Guzerat, accelerated by the deprivation of opium.

7. The laxity and inconsistency of statement, which the latter certificate and examination of Dr. Lawrence exhibit, have been clearly set forth by Mr. Bettington, and demand an expression of the dissatisfaction of Government, which should be communicated through the Medical Board.

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8. The next point presented for the consideration of Government is the conduct of Captain Hodgson, in interfering with the kotwal when taking the deposition of Purbhoo Kooshal. Mr. Bettington has recorded a complete acquittal of Captain Hodgson, and has characterised the session judge's remarks on that officer's conduct as quite "unwarrantable." The Right honourable the Governor in Council is unable to concur in Mr. Bettington's view, while, willing to accept Captain Hodgson's explanation, as interpreted by Mr. Bettington, as exculpatory, or at least palliative, so far as Captain Hodgson's intention was concerned, the Right honourable the Governor in Council cannot consider that the session judge's remarks were wholly without warrant. It is reported to the session judge, by an apparently competent authority, the civil surgeon, that two prisoners in the hospital have been reduced, in his opinion, to the last stage of debility by ill-treatment and starvation. Two days after, one of the prisoners dies. As the civil surgeon had alleged two causes of the reduced state of the prisoners, it was a reasonable inference that both causes had contributed to the death of one of the prisoners. In an inquiry, therefore, on the subject, it was obviously necessary to examine the other prisoner, who had made the same complaint, as to both causes, and especially as to the first, the ill-treatment. The examination of the prisoner was stopped by Captain Hodgson, on the ground, as stated by him, "that it appeared to have nothing to do with the case under investigation." Thus the case stood before the session judge, and he was fully justified in condemning Captain Hodgson's conduct. It is now, however, explained that Captain Hodgson's object was to keep the attention of the members of the inquest to the actual subject then before them, the examination of the body of the deceased by the civil surgeon. The Right honourable the Governor in Council is willing to accept this explanation; but he considers that Captain Hodgson would have acted with a better discretion if he had abstained even from this limited interference; and, as superintendent of police, in a matter which gravely affected the police, had strictly confined himself to watching the proceedings of the inquest. He should know that every word, every question of an officer in his position, is liable to be misinterpreted, and may, unintentionally on his part, interfere with the complete liberty of investigation by a court composed entirely of natives; while, therefore, the Right honourable the Governor in Council is glad to find that Captain Hodgson's conduct was not so reprehensible as might have been anticipated from first appearances, he cannot agree in the propriety of Mr. Bettington's strictures upon the remarks of the session judge.

9. Next, as to the ill-treatment of the two prisoners. The alleged torture is stated to have been committed under the orders of the Subedar Major Mullaree Bokur, and the joint police officer, Myasunker. It is stated that the prisoners were suspended by the feet, and dipped head foremost into a well; and also that they were allowed to drop suddenly from the branch of a tree, suspended by their arms, which were tied behind their backs. Mr. Bettington rejects these statements as unworthy of credit, being unsupported by evidence, improbable on account of the number of people whom it would be necessary to employ, provocative of observation, and certain to be accompanied with such grievous bodily injury as must ensure detection. The civil surgeon has recorded his opinion that dislocation would inevitably follow suspension by the arms from the branch of a tree. Under all the circumstances, then, the Right honourable the Governor in Council has little hesitation in recording his concurrence in Mr. Bettington's opinion, that no grounds exist for the institution of any proceedings against the subedar major and the joint police officer.

10. A difference of opinion would appear to have existed between the sessions judge and the magistrate as to the propriety of suspending the subedar major and the joint police officer from their offices, pending full investigation of the allegations against them. Mr. Bettington considers that the magistrate exercised a sound discretion in not suspending them. It is a question on which a difference of opinion may be reasonably entertained; and the Right honourable the Governor in Council does not intend to convey a censure when he expresses his inclination towards the opposite conclusion. It will be observed that the civil surgeon had made a statement, the gravity of which could hardly be exaggerated; that statement received an apparent confirmation by the death of

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of one of the prisoners. These were circumstances which suggested a most severe investigation; and the Right honourable the Governor in Council is of opinion that it would have inspired a more complete confidence in the public mind, and have conveyed a more clear warning to the police, that the authorities were determined to sift to the bottom every charge of torture, if the magistrate, at the commencement of the inquiry, had suspended from office the accused parties. With this expression of his opinion the Right honourable the Governor in Council passes on to the consideration of the remaining facts.

11. It would have been better if the prisoner Dyal Bhugwa had not been deprived of a small allowance of opium, if a confirmed opium eater, without reference to medical authority. To deprive an opium eater of the drug which he has habitually used, is more cruel than to deprive a cripple of his crutch. But the Right honourable the Governor in Council observes that this Dyal Bhugwa was in hospital on the 23d of May, and treated for colic; he does not, therefore, understand why, on his discharge, the medical officers did not inform the magisterial authorities that the prisoner was an opium eater, and should therefore be allowed a small quantity of opium every day. This neglect on the part of the civil surgeon in a great measure exonerates the magistrate's department; but the Right honourable the Governor in Council considers that in future the magistrate should always refer to a medical authority before discontinuing an allowance of opium to any prisoner who is known to be an opium eater.

12. But the part of this case which calls for the severest notice relates to the length of time during which the prisoners were in custody without being brought to trial. It appears that the deceased Dyal Bhugwa, and three others, were apprehended by the police on the 30th November 1853, and handed over to the mamlutdar of Kurode on the 19th December. Dyal Bhugwa died on the 26th of July 1854 an untried prisoner; the remaining prisoners were brought before the assistant magistrate on the 28th of July, on which day the case against them was dismissed. An explanatory letter from the magistrate, Mr. Liddell, is appended to Mr. Bettington's report, and though that officer has attempted to show reasons why delays and interruptions of investigation occurred, the Right honourable the Governor regrets to be compelled to observe that the explanation is utterly unsatisfactory. Nothing can excuse the neglect of the Government regulations, and the indifference to the interests of justice on the part of all concerned, which are apparent throughout these proceedings. The prisoners appear to have been handed over from one assistant to another; from deputy to assistant, and from assistant to deputy. One assistant goes away sick, another deputy goes away on private affairs; other work requires to be done, as if any other work should be permitted to take precedence of magisterial duty, and the lamentable result is, that an innocent man, certainly a man whose guilt was not susceptible of proof, dies after a detention of eight months in a gaol hospital, and two days after his death the other prisoners are discharged for want of proof. Incidents of this character are most humiliating to those concerned in the administration of justice, and most painful to those interested in the welfare of the country. It must always be a matter of regret to Government to be compelled to censure a magistrate of Mr. Liddell's standing in the service; but the Right honourable the Governor would not be doing his duty if he did not inform him that the inefficiency which he has displayed upon this occasion, and his want of all control over the proceedings of his subordinates, have greatly lowered him in the estimation of Government as a public officer, and have suggested a doubt whether he should be permitted to continue in his present office. The Right honourable the Governor in Council has just removed one magistrate for illegally detaining in custody an acquitted prisoner, and although he draws a distinction between that case and the one now before him, inasmuch as the persons unduly detained in Surat were untried, yet he observes that the difference is in the degree rather than in the nature of the offence. In both cases the powers of the magistrate have been exceeded, and individuals against whom no crime could be substantiated have been arbitrarily and illegally deprived of their liberty.

An extract from these proceedings (containing the whole of this paragraph) will be communicated to the judges of the Sudder Foujdaree Adawlut, who will be requested to state whether their attention was attracted to this case by the

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returns of untried prisoners, and, if so, what notice was taken of it by them. The judges will be pleased in future to make a special report to Government of all cases in which untried persons are detained in prison for protracted periods. A copy of this extract will be further communicated to all magistrates, and a circular letter addressed to them, pointing out the determination of Government to remove from his office any magistrate who may be guilty hereafter of this offence.

13. Before quitting this subject, the Governor in Council requests that he may be informed if there is any truth in the allegation made before Mr. Bettington, that the deceased, Dyal Bugwa, and other untried prisoners, were put in the stocks, and that Prubhoo Kooshal received some blows from a police peon named Pural Sing; he is surprised that Mr. Bettington should have reported this allegation without stating whether he had taken any steps to ascertain whether it was true or false.

Case of Hurlpursad
Gunpursad.

14. The second case on which Mr. Bettington reports is that of Hurlpursad Gunpursad. This case is brought to the notice of Government by the judges of the Sudder, who transmitted with their letter a copy of a very able minute recorded by the Judicial Commissioner, Mr. W. E. Frere. That gentleman, after pointing out various grounds of suspicion against the police, stated that in his opinion further inquiry would be useless, but suggested that the necessity of immediate inquiry, when accusations are preferred against the police, should be carefully impressed upon the magistrates. The Government fully concurred in Mr. Frere's remarks, and a copy of his minute was circulated to all the magistrates. But the Government also thought that the importance of the case demanded further investigation, and therefore determined that Mr. Bettington should be directed to institute a searching inquiry.

15. The Right honourable the Governor in Council is gratified to find that Mr. Bettington's inquiries have placed the conduct of the police in a more favourable light, or at least that they lead to the conclusion that the statements of Hurlpursad were grossly exaggerated. There would appear to have been three allegations: 1st. That Hurlpursad was beaten at Oolpar; 2d. That he was beaten on the road between Oolpar and Surat; 3d. That he was ill-treated at the Moosafferkhana, at Surat. The first and third of these allegations Mr. Bettington rejects as wholly improbable; he considers all external circumstances to be against the truth of Hurlpursad's story; for instance, the ill-treatment at Oolpar is stated to have occurred in a building, in a part of which the magistrate was himself at the very time residing with his establishment, and he shows generally, that, while circumstances are against the statements of Hurlpursad, there is no evidence in their favour. With reference to the second allegation, Mr. Bettington thinks it very probable that the prisoner was beaten on the road, but states that there is no proof to the fact. The Right honourable the Governor in Council presumes that Mr. Bettington means there is only the statement of Hurlpursad on the one side, and the denial of the police on the other, and that unfortunately there is no violent improbability, apart from actual circumstances, in any allegation of ill-treatment preferred against the police. The Right honourable the Governor in Council, however, considers the result of this investigation to be on the whole satisfactory, and he directs that the special warning suggested by Mr. Bettington be conveyed to the kotwal, and that the magistrate's attention should be once more drawn to the laxity of system to which the negligence of the kotwal is partly ascribed by Mr. Bettington, and to the just and forcible remarks of Mr. Frere. Government consider with that gentleman and with Mr. Bettington that it is absolutely necessary, when charges are brought against the police, that they should be promptly inquired into by the magistrate himself. The Governor in Council has recently directed the attention of all magistrates to the illegality of the police detaining prisoners before committal beyond the period allowed by the regulations, and is resolved to enforce his orders upon this subject, and by this and every other means in his power to prevent the ill-treatment of prisoners by the police.

Case of Kutchia
Lachia.

16. The third case which Mr. Bettington was directed to investigate was that of Kutchia Bheel, who was drowned while in the custody of the police. The question is not so much, as stated by Mr. Bettington, whether the Bheel committed

committed suicide; or whether he was murdered by the police by being thrown into a well; as whether he committed suicide from fear of ill-usage from the police, or from other parties. Mr. Bettington is clearly of opinion that Kutchia dreaded the vengeance of his comrades and other bheels. He sent a confidential agent to the village in which the bheel was drowned to make private inquiries, and this agent ascertained that the general opinion in the village was, that Kutchia had committed suicide from dread of his comrades. There being on direct evidence against the police, but only such suspicions as arise from constructive arguments, the Right honourable the Governor in Council has no difficulty in acquitting the police of all participation in the death of the bheel; but he considers there were sufficient circumstances of suspicion to justify the session judge in drawing the attention of the judges of the Sudder Foujdaree Adawlut to the case.

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17. Lastly, Mr. Bettington has submitted some remarks on case No. 23 of the general calendar of Surat, in which the session judge set aside some confessions on the strong suspicion that they had been extorted, and to which the judges of the Sudder had drawn the attention of Government, in connexion with the case of Dyal Bhugwa. The Right honourable the Governor in Council is inclined to agree with Mr. Bettington, that the weight of evidence is in favour of the police; but he cannot concur in all the arguments by which he has supported that opinion, still less can he agree in the implied censure of the proceedings of the session judge. That officer, a most able judge, and now occupying a seat in the Sudder Court, set aside the confessions of certain prisoners on the suspicion that they had been extorted by the subedar major and the joint police officer, who had been accused in this as in other cases of ill-treating the prisoners. There was some direct evidence on the point not sufficient for the condemnation of the police, but quite sufficient to induce a doubt in the mind of any judge, as to whether he should accept the confessions as exhibitory of the actual facts. It would be of very dubious policy if Government were to assent to a censure of a judicial officer upon whom the responsibility of the trial rests, because he had determined to allow no weight to certain confessions, on the opinion of one upon whom the responsibility of the trial did not rest. Accusations were frequent against two individuals of ill-using prisoners. A judge imbibes, he knows not how, a feeling of insecurity as to the confessions of prisoners, with the reception of which these individuals have been at all concerned. Accordingly on the trial he puts out of sight the confessions, and looks only to the independent evidence. This course evokes a protest from Mr. Bettington; but the Right honourable the Governor in Council is of opinion, that the proceedings of the judge were perfectly correct, and he is certain that they should be protected from criticism, or ought not to challenge censure. A judge, if fit for the bench, must be allowed to exercise his discretion as to what evidence is to be trusted, and what distrusted, especially when the doubt is in favour of the prisoners. Accordingly, the Right honourable the Governor in Council entirely absolves Mr. Harrison from all censure as to the conduct of these trials, and considers that he has rendered a service to Government in prominently drawing the attention of the judges of the Sudder to the many circumstances of suspicion which attended the operations of the police of Surat, but the least part of that service is, that it has enabled Government, through Mr. Bettington's investigation, to entertain a more favourable opinion, than it otherwise could have done, of the character of that police.

Case No. 23, of the General Calendar of Surat.

28 September 1855.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Judicial Department, 5 March (No. 4) 1856.

Our Governor in Council at Bombay.

1. In your letter in this department, dated 2d November last, No. 55, you have brought under our consideration your proceedings relative to certain cases of alleged cruelty and gross misconduct towards prisoners by the police officers at Surat. The cases were laid before you by the Sudder Foujdarry

Alleged ill-treatment of prisoners by the officers of police at Surat.

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Adawlut,

Bombay.

Adawlut, at the instance of the sessions judge of the zillah, who was of opinion that they called for a thorough investigation.

2. You accordingly appointed Mr. Bettington, inspector of prisons, a Special Commissioner, to investigate the charges against the police. This duty he appears to have performed with great zeal and ability, and it is most satisfactory to learn that he considers the charges to be unsupported by proof. In exonerating the police officers from the accusations brought against them, Mr. Bettington has with great propriety animadverted on the culpable delay on the part of the magistrate in disposing of charges against prisoners (in one of the cases in question extending to many months), which is not only in itself an act of hardship and injustice towards the accused, but also affords opportunity for ill-treatment. We approve of the censure on this score which you passed on Mr. Liddell, the magistrate of Surat. The police are prohibited by law from detaining a prisoner above 48 hours. It may not be practicable to fix a precise time within which the magistrate shall dispose of each case, by trying the prisoner, or committing him for trial before another tribunal; but all unnecessary detention ought to be scrupulously avoided, and delay to the extent pointed out by Mr. Bettington is wholly inexcusable. We trust that effectual measures have been taken to guard against any such abuse in future. With that view it may be of advantage to ascertain the rules in force for the purpose at the other Presidencies.

3. In considering the letter now under reply, our attention has been drawn to the practice which prevails of district police officers receiving confessions from prisoners. We are aware that this is in conformity with section 43, Regulation XII. of 1827; but we have reason to believe that it is liable to great abuse. Although the law contemplates such confessions being voluntarily made, we fear that many have been extorted by compulsion on the part of the police officers.

4. In the minutes of the members of your Government, during the course of the proceedings under review, Mr. Warden expressed it as his opinion that "many confessions are extorted." Mr. Lumsden, without joining fully in that view, says "that violence is occasionally resorted to by the police to induce prisoners to confess, there is unfortunately too much reason for believing;" and Mr. Bettington, who conducted the inquiry in the present case, while acquitting the police in this instance, says that "it is neither impossible nor improbable that a policeman might maltreat a prisoner:" evidently alluding to coercion for the purpose of extorting confessions.

5. It appears to us that the admissions of guilt made by prisoners to the police officers are usually of little value in securing their ultimate conviction, followed, as they generally are, by a repudiation of the confession before the magistrate or judge who tries the case; while, on the other hand, they afford an opportunity for the exercise of cruelty on the part of the police officers in order to extort them, which it is most desirable to remove.

6. Moreover, by inducing the police to rely upon that means of securing the conviction of offenders, rather than on the more troublesome and difficult course of procuring other evidence, that body is rendered less efficient in the detection of crime, and therefore less useful for its prevention.

7. In the Report recently submitted to Her Majesty by the Indian Law Commissioners, they have proposed (from a conviction of the abuse to which the system has led), that "it shall not be competent to a darogha, or other police officer, to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make." This provision is proposed to form part of the new code of criminal procedure; but we desire you to consider whether, in anticipation of its enactment, it would not be advisable to issue instructions to the police to abstain henceforward from receiving such confessions; for we fully concur with Mr. Lumsden that "it should be the business of the police not to rely on obtaining such confessions, but rather on an improved system of obtaining evidence, and thus diminishing the chance of being criminal with impunity."

We are, &c.

(signed) *E. Macnaghten.*
W. H. Sykes.
&c. &c.

London, 5 March 1856.

Bombay.

Judicial Department, 5 March (No. 11) 1856.

Our Governor-General of India in Council.

WE request that you will take into your consideration the sentiments expressed in our despatch of this date to the Bombay Government, with regard to the propriety of prohibiting native police officers from receiving the confessions of prisoners.

Alleged ill-treatment of prisoners by the officers of police at Surat.

We are, &c.
(signed) *E. Macnaghten.*
W. H. Sykes.
&c. &c.

London, 5 March 1856.

Political Department.

Political Department.

CHARGES OF EMBEZZLEMENT, CRUELTY, AND EXTORTION, AGAINST THE DEWAN OF TRAVANCORE.

EXTRACT Political Letter from the Government of Fort St. George to the Court of Directors ; dated 27th February (No. 2) 1855.

29. HAVING received, from parties residing in the Travancore territory, several petitions, preferring charges of embezzlement, cruelty, and extortion against the dewan and some of the district police officers, we forwarded them to the Resident for investigation, and called his attention to the frequency of complaints of the nature referred to ; and desired that the specific allegations, such as those contained in the petition of Emanuel Class, as to the irregular employment of the jemadar, Neelacanden, his character, and the alleged fact of his having been declared guilty of torture, might be specially reported upon. We also requested him to report whether the statements made of the several employments of the dewan's brother and relatives were true or not.

30. In his letters of 22nd and 23rd September last, the Resident laid before us the dewan's explanation, together with the result of his own inquiry into some of the allegations the petitions contained, and his observations generally on the subject of complaint ; and we have now the honour of submitting copies of these papers for the information of your Honourable Court.

EXTRACT Political Letter from the Court of Directors to the Government of Fort St. George ; dated 30th April (No. 3) 1856.

23. You have received various petitions charging the administration of Travancore with some of the worst vices which can be imputed to a government : habitual use of torture to procure confessions of crime ; extortion of money from the people for the profit of individuals ; habitual bribery ; perversion of the course of justice ; falsification of accounts, and many minor irregularities. The Resident states that most of these petitions are disavowed by the persons in whose names they are drawn up. But the framers, whoever they may be, are in possession of official documents the authenticity of which is not denied, and which contain matter of serious crimination against the Travancore authorities. In some of the cases adverted to, those documents prove that the Resident took proper and perhaps sufficient notice of what was objectionable. But in the horrible case of torture in which the police jemadar, Neelacanden, is the person inculpated, the grounds laid by the Resident in his letter to the dewan, of the 17th January 1854, justified and required far more than the

Political Department.
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expression of a hope that the dewan would be more careful in future as to the instructions given to the jemadar, coupled with a suggestion that it would be well if he could be employed in some other capacity; while at the same time the temporary suspension of the jemadar was removed. We are decidedly of opinion that the jemadar ought to have been dismissed; and that if no means existed of satisfactorily investigating his conduct, with a view to his punishment, a person labouring under such grave imputations ought not to have been employed by the Travancore authorities in any other capacity. There are other cases which the Resident, in his explanation, does not touch upon, particularly a formal decree of the principal judicial court of Travancore, pronouncing that the dewan himself had been personally guilty of inflicting torture to extort depositions; an allegation which, if true, demanded that the dewan should be immediately removed from office; if false, the three judges and the shastri of the appeal court, whose names are attached to the decree, are very unfit for their high judicial position. Charges of a similar nature, but of a more serious character, were subsequently brought against the dewan personally, in petitions from some inhabitants of Eddapilly, who were defendants in a case of alleged murder. From the Resident's report, it appears that these petitions contain great misrepresentations; but his statements, as to the inquiries he made into the allegations of torture, are far too general. We desire an amended report upon this subject. This case induced you very properly to order a representation to be made to the raja, on the gross impropriety of allowing a trial for murder to extend over three years, without the prospect of an early decision even after that lapse of time.

Revenue Department.
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Revenue Department.

INDIA—AGRA DIVISION.

— No. 1. —

NARAIN DOSS, late TUHSEELDAR, of THUTTEEA TIROOA, STRONGLY
SUSPECTED OF CORRUPTION and TORTURE.

EXTRACT from Revenue Narrative, No. 3, dated the 18th December 1854.

Para. 247. THE Board were requested to report on a petition presented by Narain Doss, late tuhseeldar of Thutteea Tirooa, complaining of his having been dismissed from his situation on insufficient grounds. They stated in reply that, firstly, the petitioner had been found guilty of accepting a bribe to defeat the ends of justice, and of having subjected certain individuals to gross maltreatment, with a view to elicit evidence or confession, in a case of murder, in the village of Deblie, in pergunnah Muhumdabad. That, secondly, he had tampered with evidence recorded on a previous investigation by the Thannahdar, subordinate to him, in a case of wounding in Mouzah Allygurh, pergunnah Turrutpore; that, thirdly, in the case of the property of one Dhuleep Sing, deceased, of Thutteea, in pergunnah Thutteea Tirooa, he had been suspected of partiality, and that on those grounds they had rejected his appeal. The Lieutenant-governor concurred with the Board in thinking, that, under all the circumstances shown in the report, the petitioner, Narain Doss, was wholly unworthy of being retained in the office of tuhseeldar.

M A D R A S.

Revenue Department.

— No. 2. —

PETITION from GOPALAKISTNA JYENGAR, of TANJORE, COMPLAINING OF
ILL-TREATMENT and DISMISSAL from OFFICE.

EXTRACT from the Proceedings of the Honourable the Lieutenant-governor
of the North-Western Provinces in the Revenue Department; dated the
5th April 1854.

(No. 149 of 1854.)

LETTER from *G. J. Christian*, Esq., Secretary to the Sudder Board of Revenue,
North-Western Provinces, Agra, to *W. Muir*, Esq., Secretary to the Govern-
ment of the North-Western Provinces; dated Agra, the 10th March 1854.

No. 97.

Sir,

I AM directed by the Sudder Board of Revenue to acknowledge the receipt
of the orders of Government, No. 969, dated 23rd February 1854, calling for
a report on the petition of Narain Doss, late tehseeldar of pergunnah Thateea
Tirooa in zillah Furruckabad, and in reply to submit for the perusal of his
Honor the Lieutenant-governor, the record of this office, together with the
original correspondence received from the Commissioner, Agra division.

Revenue.
Present :
D. B. Morrison,
Esq., Senior
Member.

2. This correspondence relates to three different cases, the last of which
resulted in the dismissal of the petitioner. These cases are stated below,*
and all three have reference to the conduct of Narain Doss, in his capacity
of officer of police in the several pergunnahs under his charge, as tehseeldar,
at different times.

3. In the first of these instances, Narain Doss was considered by the officiating
magistrate, Mr. H. G. Astell, guilty of having accepted a bribe to defeat the
ends of justice, and in consequence to have either contrived or connived at
two false charges, and subjected certain individuals to gross maltreatment with
a view to elicit evidence or confession.

4. Mr. Astell considered the accusations proved, and recommended the
dismissal of Narain Doss. The Commissioner, Mr. Robinson, took a different
view of the evidence, and directed merely his removal from Muhamadabad to
another pergunnah.

5. But the evidence adduced before the officiating magistrate, considering
the extreme difficulty in this country of bringing such charges home to a native
official, is very convincing; Narain himself, in the first instance, investigated
the facts of the murder on the spot; and on Narain and six others, the
parties whom he reported as guilty, being released by the magistrate, Mr. W. R.
Timmins, he, after a second investigation, reported the plaintiffs, Gungaram
and others, as having been guilty of preferring a false accusation of murder.

6. During that second inquiry, torture was undoubtedly used; one of the
defendants, Gungaram, was found to be lame from the effects of it, though
unfortunately this matter was not fully investigated by Mr. Timmins, who,
however, records the facts in his memorandum, dated 23rd February 1849.

7. In addition to this, there is direct evidence and corroborating circum-
stances to show that a bribe was accepted by the tehseeldar. There is grave
suspicion, if not convincing proof, on this point.

8. The Board cannot agree in the remarks contained in the Commissioner's,
Mr. Robinson's letter, No. 81, dated 8th March 1849, para. 6. Mr. Robinson
appears

* 1st. Conduct of Narain Doss, in the matter of the murder of Chaca, in the village of Deblie, in
Pergunnah Mahumdabad.

2nd. Conduct of the same in the matter of the wounding of Secabova, in Mouzah Allygurh,
Pergunnah Imrutpoor.

3rd. Conduct of the same respecting the property of Dulleep Sing, deceased, of Thaulteea, in
Pergunnah Thaulteea Tirooa.

Revenue Department.

appears to have considered Narain Doss guilty of having used or sanctioned torture, but finds an excuse for his proceedings, because they are unhappily customary in this country, and because the magistrate had expressed a strong opinion on the merits of the first charge against Narain and six others.

9. The Board not only regard the general facts elicited as unfavourable to the integrity of Narain Doss, but consider the use of torture, under any circumstances, with his sanction, as demanding his dismissal from office.

10. Narain Doss was, however, restored to his duties, but removed to pergunnah Imrulpore, where, before the year 1849 had elapsed, the second case was reported by a different magistrate, Mr. W. C. S. Cunninghame.

11. In that instance, Narain Doss was found guilty of having tampered with evidence, written and recorded on a previous investigation by the Thannahdar subordinate to him. From Mr. Cunninghame's report, No. 32, dated 20th October 1849, it will be seen that the alteration of the record is conclusively proved, and indeed admitted by Narain Doss. There is strong evidence to show also that, besides the admitted alteration, other statements of the witnesses were influenced or extorted by Narain Doss, in order to criminate a party not named by them before.

12. The Commissioner, Mr. Robinson, regarded the act of the petitioner as a slight informality, as respects the alteration of the record. But Narain Doss had enough experience to know that the act was illegal and unjustifiable.

13. Subsequently Narain Doss was removed to pergunnah Thutteea Tirooa, where, in 1852, in the third case above-mentioned, his partiality at first towards one party, and subsequently towards his opponent, was noticed and censured by the sessions judge.

14. Mr. Cunninghame, in consequence of the remarks of the sessions judge, the recorded opinions of his predecessor and himself, in the two former cases, and the notoriety of the corruption of Narain Doss, in pergunnah Thutteea Tirooa, recommended his dismissal, which was confirmed by the Commissioner, Mr. W. H. Tyler, in his letter, No. 353, dated 2d November 1852.

15. The Board on a review of the cases above described, and with reference to the sentiments recorded by two district officers in succession, rejected the appeal.

16. I am desired to add, that Narain Doss was entered on the Board's list of candidates for deputy collectorships in 1848, before either case had come before the Commissioner. The Board had no knowledge of Narain Doss but what was contained in the nomination roll submitted in 1848, and as both the Commissioner and officiating collector recommended the insertion of his name, and his past services seemed to warrant it, and there was nothing on record then against him, the recommendation was complied with. The file relating to this latter point is also submitted.

I have, &c.

(signed) *G. J. Christian*, Secretary.

Sudder Board of Revenue, N. W. P., Agra,
10th March 1854.

EXTRACT Revenue Letter to India ; dated 7th January (No. 1) 1857.

Narrative dated 18 December (No. 3),
1854, Furruckabad District.

(247.) Petition of Narain Doss, late
Tahsildar, of Thutteea Tirooa, complaining of dismissal, rejected. He had been found guilty of tampering with witnesses and their written evidence, and was strongly suspected of corruption and torture.

85. WE must express our extreme surprise and regret that any officer in our service should have found an excuse for the infliction or sanction of torture by native officials, as appears to have been done by Mr. Robinson, when Revenue Commissioner, in the case of this tahsildar, on the grounds that such a practice was "unhappily customary" in this country; and we entirely agree with the Board of Revenue in considering "the use of torture, under any circumstances, with his (i. e. a tahsildar's) sanction, as demanding his dismissal from office."

86. We also consider that Mr. W. R. Timmins, at that time (1849) magistrate of Furruckabad, deserved great censure for having failed fully to investigate the facts connected with the undoubted use of torture in one instance in which Narain Doss was considered to have been decidedly implicated.

Revenue Department.
—

87. Both the gentlemen referred to* have retired from our service, or we should have directed you to convey to them this expression of our opinion as to their proceedings in this matter. We desire, however, that you will make it clearly understood by every member of our service that any failure, direct or indirect, in reporting cases, however slight, of the infliction of torture will be visited with our severest displeasure.

EXTRACT Revenue General Letter from Madras; dated 20th July 1855,
No. 34.

28. WE received a petition from Gopalakistna Jyengar, late moonsiff and putta monigar of the Ahtoor village in the Tanjore district, complaining of his dismissal from office and the unjust distraint of his property, and representing that he had been tortured with the kittee and otherwise ill-treated. We forwarded the petition to the magistrate of Tanjore, and from the report submitted by that officer, who had instituted a personal inquiry into the case, it appeared that the allegations of ill-treatment preferred in the petition were wholly unfounded, and that the other matters complained of had already been investigated and settled by the district authorities. We therefore resolved to reject the petition as undeserving further notice.

Petition from one
Gopalakistna Jyen-
gar, of Tanjore.
Cons. 6 Feb. 1855,
Nos. 7 and 8.

EXTRACT Revenue Letter to Fort St. George; dated 6th August (No. 10) 1856.

32. AFTER the full inquiry which has been made into this case, we agree with you in considering the complaints of the petitioner as altogether unfounded. As we are desirous that the infliction of torture, of any kind and for any purpose, should be considered as a crime of heinous character, and punished as such, accusations of this crime against individuals, if clearly proved to be false and malicious, should be visited with some penalty.

Letter from, dated 20 July
(No. 34), 1855.

(28.) Petition from one Gopalakist-
na Jyengar, of Tanjore, complaining
of ill-treatment and dismissal from
office.

* Mr. Robinson retired 1st January 1852, and is since dead. Mr. Timmins retired 13th November 1850, without an annuity.

(True copies.)

East India House, }
9 June 1857. }

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (TORTURE).

COPY of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of alleged TORTURE in *India*, which have been received by the Court of Directors of the East India Company since the 12th day of September 1855; together with a Copy of INSTRUCTIONS issued by the Court of Directors of the East India Company on the same Subject.

(*Mr. Seymour.*)

*Ordered, by The House of Commons, to be Printed,
22 June 1857.*

[*Price 1 s. 5 d.*]

EAST INDIA (SINGAPORE).

RETURN to an Order of the Honourable The House of Commons,
dated 28 August 1857;—for,

COPY “ of a DESPATCH from the Court of Directors of the East India Company to the Governor-General of *India* in Council, dated the 25th day of March 1857 (No. 2) ; and of the REPLY of the Governor-General of *India* in Council thereto, on the supposed Intention of the Government of *India* to levy DUES at the Port of *Singapore*.”

The Court of Directors of the East India Company to the Governor-General of India in Council, dated 25 March 1857 (No. 2).

Para. 1. REPRESENTATIONS have been addressed to us on the subject of an apprehended intention, on the part of your Government, to authorise the levy of tonnage dues at the port of Singapore. As no intimation to this effect has been made in your correspondence with us, we desire that you will inform us, with the least possible delay, whether there is any foundation for this apprehension ; and if so, with what object it is intended that tonnage dues should be imposed at that port.

2. You are, doubtless, aware that when the subject was under our consideration in the year 1825, we signified our entire approbation of the abolition of port dues at Singapore ; and that in the following year we expressed our opinion that the establishment of duties on imports and exports at that settlement would be inexpedient.

Public letter to Bengal, dated 11th May 1825, para. 66.
Letter to Government of Prince of Wales' Island, Singapore, and Malacca, dated 10th May 1826.

3. The success which has hitherto attended the freedom of trade at these ports has confirmed the opinion communicated to you in these despatches, and we should deprecate the imposition of any burden on the commerce of the Straits Settlements, except under circumstances of urgent necessity.

We are, &c.

(signed)	<i>R. D. Mangles.</i>	<i>F. Currie.</i>
	<i>C. Mills.</i>	<i>J. Oliphant.</i>
	<i>R. Ellice.</i>	<i>H. Willock.</i>
	<i>W. J. Eastwick.</i>	<i>J. Shepherd.</i>
	<i>E. Macnaghten.</i>	<i>W. B. Bayley.</i>

London, 25 March 1857.

From the Governor-General of India in Council to the Honourable the Court of Directors of the East India Company, 25 June 1857 (No. 11.—Separate Revenue).

Honourable Sirs,

WE have the honour to acknowledge the receipt of your despatch in the Separate Revenue Department, No. 2 of 1857, dated the 25th March, informing us that representations have been made to your Honourable Court of an apprehended intention of the Government of India to authorise the levy of tonnage dues at the port of Singapore, and desiring to be immediately informed whether there is any ground for this apprehension ; and if so, with what object it is intended that tonnage dues should be levied there.

2. Your Honourable Court remind us that in the year 1825, when the subject was under consideration, you signified your entire approbation of the abolition of port dues at Singapore, and that

Public letter to Bengal, dated the 11th May 1825, para. 66.
 Letter to Singapore, dated the 10th May 1826.

in 1826 you expressed an opinion that the levy of customs duties there would be inexpedient. You add, that the success which has attended the freedom of trade at Singapore has confirmed the opinion you held more than 30 years ago, and that you deprecate any burden on the commerce of the Straits Settlements, except under circumstances of urgent necessity.

3. We have not heard that it has been proposed by any one to impose customs duties at Singapore, and we have certainly never contemplated such a measure.

Vide letter from Clerk of the Legislative Council, dated the 3d December 1855, in the collection.

4. With regard to the levy of port dues we have to explain, that after Act No. XXII. of 1855 (the Port Regulation Act) had been passed, a request was made by the Legislative Council that the Governments of Bengal, Madras, Bombay, and the Straits Settlements might be required to furnish certain information to enable the Council to pass a supplementary Act for the regulation of port dues and fees at each port according to its wants, and an estimate of the amount which, in the judgment of the Local Government, it would be necessary to levy at each port. A communication was accordingly made to the Straits Government on the 6th December 1855.

5. On the 11th February 1856, the Governor of the Straits addressed the clerk of the Legislative Council, giving the required information, and observing as follows:—"If not considered to interfere with the freedom of the port, I am inclined to agree with Mr. Church in the imposition of a due of half an anna per ton on all square-rigged vessels, and would further recommend that all native vessels, clearing out from both harbours, should pay a fee of two rupees for junks, and one rupee for boats of all descriptions. The amount so realised would provide for all present expenses, and enable us to do all that may be necessary for the efficient management of the harbours and their approaches."

Vide Mar. Letter, No. 4 of 1857, dated 29th January, para. 55.

6. A copy of this letter was sent to us by Mr. Blundell in his letter of the 18th July 1856, wherein he also submitted a draft of port rules for approval under the Act. The rules were approved, but no notice was taken of the question of port dues, which was already under the cognisance of the Legislative Council. There was incidental mention, however, of a fee now usually levied upon the registry of boats at Singapore, and a memorandum of this was sent to the Legislative Council "in order that it may be sanctioned in the new Act for fixing port dues and fees." These proceedings were reported to your Honourable Court on the 29th January last.

7. We are aware that in 1825 your Honourable Court signified your entire approbation of the abolition of the port dues at Singapore, the circumstances attending which were as follows:—

8. On the 8th July 1820, the Government of Bengal, addressing the Resident of Singapore regarding the report of a certain committee, observed:—"The only point which has attracted his Lordship's notice as requiring alteration, is the receipt of port clearance fees by the Master Attendant for the provision of stationery for his office. His Lordship is of opinion that it would be preferable to assign an allowance for stationery to the Master Attendant, and to bring the duties levied on port clearance to the credit of Government."

Viz., the one above quoted

9. On the 15th September 1823, the Resident, reporting on certain proposed changes in the Master Attendant's Department, observed: "The suppression of port clearance fees as a perquisite of the Master Attendant appeared to be not less necessary, and for this I had already the recorded authority of the Government; a letter from the Chief Secretary, of which a copy is enclosed, having expressly disapproved of the principle of creating a fund at the disposal of the Master Attendant for the payment of his establishment. These port clearance dues, light and inconsiderable indeed as an impost upon the trade, were certainly heavy when viewed, as they really were, as a mere fee of office. The whole native craft frequenting the port were comprehended, for they extended even to boats of four tons burthen. Some objection also may be urged

urged against the inequality of their operation. An European ship of 1,200 tons, for example, paid 12 dollars, whereas a Malay boat of seven tons, perhaps importing a little fruit or poultry, paid 1½ dollar, or in proportion to her size, upwards of twenty times as much. In the one case the dues were no more than a trifling and inconsiderable fee, whilst in the other they became a tax upon the goods imported. At Prince of Wales' Island, the port clearance fee was exacted only of square-rigged vessels, and never exceeded two dollars, but even this has lately been abolished. Instead of carrying these dues to the account of Government, considering the objection which exists in principle to the mode in which they are levied, and their inconsiderable amount as an object of revenue, I have considered it most consonant to the liberal principle on which the settlement is maintained, provisionally to abolish them."

10. This proceeding of the Resident was approved by the Government, among other arrangements of the Master Attendant's Office, on the 4th December 1823, and by your Honourable Court, as above mentioned, on the 11th May 1825. And thus it appears that the port dues were abolished, not because they were contrary to any sound principle, but (1.) because they were unfairly assessed, and (2.) because they were inconsiderable in amount.

11. The charge of a port fee for services rendered, no more than enough to enable the establishment of the port to render such services, whether in the shape of lights, beacons, buoys, jetties, &c., is of course entirely a different question from that of customs duties; and if such fees were to be established at Singapore, it would not interfere with the character of the port as a free port. Even now all vessels touching at any British port, which have used or are about to use the Straits lights, pay the Straits light duty at that port, whether it be Singapore or any other British port in India, unless they have already paid it at some other port. But this does not affect the character of Singapore as a free port.

12. In fact, however, no proposal to impose such fees at Singapore has been made by the Government of India. Mr. Church and the Governor of the Straits have (as explained in paragraph 5 of this letter) suggested a very small port duty to pay for some slight services rendered, and proposed to be rendered. But as all services required would cost little, and the fee would therefore be very small, it is probable that under any circumstances that proposal, though believed to be perfectly unobjectionable in principle, would not have been adopted on practical grounds: and after the receipt of your Honourable Court's orders, conveyed in the despatch under acknowledgment, the proposal will, of course, be treated as finally disposed of.

13. A copy of your Honourable Court's despatch and of our reply will be sent to the Legislative Council.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 25 June 1857.

EAST INDIA (SINGAPORE).

COPY of a DESPATCH from the Court of Directors of the East India Company to the Governor-General of *India* in Council, dated 25 March 1857 (No. 2), and of the REPLY of the Governor-General in Council thereto, on the supposed Intention of the Government of *India* to levy DUES at the Port of *Singapore*.

(*Mr. Vernon Smith.*)

Ordered, by The House of Commons, to be Printed,
28 August 1857.

EAST INDIA (ROADS).

RETURN to an Order of the Honourable The House of Commons,
dated 25 July 1856;—for,

COPIES “ of MINUTES and CORRESPONDENCE between the late Governor-General and the Home Departments of the Government of *India*, in reference to the Project of the *Hindostan* and *Tibet* Road, with the several Reports of Major *Kennedy* and Lieutenant *Briggs* relating thereto, and an Account of the Expense attending Construction thereof: ”

“ And, of REPORTS of Engineer ; and an Account of the Expenditure incurred in reference to the Construction of the New Road between *Kalka* and the Military Sanitary Station of *Dugshai*. ”

East India House, }
2 February 1857. }

JAMES C. MELVILL.

(*Mr. Kennedy.*)

Ordered, by The House of Commons, to be Printed,
4 March 1857.

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COPIES of MINUTES and CORRESPONDENCE between the late Governor-General and the Home Department of the Government of *India*, in reference to the Project of the *Hindustan* and *Tibet* Road, with the several Reports of Major *Kennedy* and Lieutenant *Briggs* relating thereto, and an Account of the Expense attending Construction thereof: And, of REPORTS of Engineer; and an Account of the Expenditure incurred in reference to the Construction of the New Road between *Kalka* and the Military Sanitary Station of *Dugshai*.

(No. 37.)

MINUTE by the Most Noble the Governor-General of India, dated 9 May 1850.

IMPRESSMENT OF COOLIES IN THE HILLS, AND THEIR REMEDY.

1. I HAVE read with great satisfaction the letters of the Superintendent of Hill States to the Board of Administration, regarding the improvement and ultimate abolition of the system of forced labour which prevails in these hills.
2. My first experience of the system, when my camp came to Simla in April 1849, satisfied me that it was a great and crying evil, and I have since that time both seen and heard much that has not only confirmed my conviction of the reality of the oppression, but has determined me to omit no effort to effect its removal.
3. The first step towards this end is the formation of a road from Simla to the plains at Kalka, capable of being easily and safely travelled by baggage animals.
I will not enter into the details contained in Mr. Edwards' letter, the sum of which appears to establish fully the practicability of speedily forming such a road.
4. I approve of the formation of a committee, as suggested, and request that no time may be lost in entering on the active prosecution of the undertaking.
5. When the road has been completed to Kalka, all carriage of Government stores, baggage, the Governor-general's and Commander-in-Chief's camp, &c., will be supplied by baggage animals, and resort to impressment of labour by the officers of Government will, in accordance with the suggestions of the Superintendent, be prohibited by the Government.
I do not consider that it would be prudent, at all events for some time to come, even if the road should be formed, to surrender altogether the right of calling for coolies for public purposes; the enforcement of the right, however, should be forbidden, except in cases of unquestionable emergency; and after the full establishment of the new system of carriage, I am sanguine in the expectation that no necessity will exist for the exercise of the right.
6. The impressment of labour for private purposes between Simla and Kalka I understand has already been in great measure abandoned; so soon as the road for animals is completed, it should be prohibited in every case without any exception.
7. The absolute necessity of people getting to and from the plains might possibly have formed a plausible excuse for the occasional enforcement of labour on the line I have just mentioned between Simla and Kalka; but the same palliation cannot be alleged for the enforcement on the roads between Simla and the interior, since in that direction they are required merely for excursions of pleasure

or for change, and on this line, therefore, I think that the contemplated improvement of the existing system may at once be commenced.

8. I see no reason whatever why the public should not be left to make their own arrangements for their own purposes with the inhabitants of the country, allowing the latter to make their own bargains with tourists, entirely exempt from any interference by the Government or its servants.

Sudden changes, however, are undesirable, if they can be avoided; and I am willing to accede to Mr. Edwards' proposal, that for this season, and experimentally, 200 of the Government train of mules should be placed at his disposal, for the use of travellers in the interior beyond Simla, if that number is available at Kalka.

9. Having thus stated my opinion on the several leading points in this important subject, I have to request that the following instructions be issued without any delay, in order to commence at once the abolition of a system which is oppressive to the people, and discreditable to our rule.

(a). The Superintendent of Hill States will appoint at once the committee regarding the road from Simla to Kalka. The Governor-general will be glad to afford him any aid which may be in his power. Reports should be submitted to the Board of Administration, and simultaneously to the Governor-general, regarding the proceedings of the committee.

(b). On the completion of this road, the Governor-general will gladly issue positive orders to the local officers that the enforcement of coolie labour for public purposes shall never be resorted to, except in a case of utmost emergency.

The details of the arrangements for maintenance of cattle for conveyance of Government and military stores, baggage, &c., will be made by the proper departments in the interval. The impressment of labour for private purposes will be absolutely prohibited.

(c). A letter is to be addressed to the Adjutant-general, requesting to know whether his Excellency the Commander-in-Chief would have any objection to the employment of a company of sappers from Loodiana during the present season for this purpose. A full explanation of the purpose for which they are required should be supplied to his Excellency.

(d). A letter is to be addressed to the Superintendent of Government mule train at Kalka, requesting to be furnished with a distribution statement of the train, and desiring to be informed whether 200 to 300 mules can be made available at Simla during the present season.

(e). Acquaint Superintendent that if these animals should be found available, the use of them experimentally for the service of travellers during this year will be sanctioned, and the impressment of labour for private purposes beyond Simla may be strictly and immediately prohibited. No further instructions seem necessary at this stage.

10. I annex a memorandum, furnished by the Superintendent, at my request, regarding the construction of an improved line of road between Multeeanee and Kunnawur, in substitution of the present very bad one along the valley of the Sutlej.

This road had been mentioned to me before as being of great importance with reference to the large trade which it is believed might be attracted to the plains of India from the countries beyond the Himalayan range.

It has again been brought to view, in connexion with the visit which I propose to pay to Kunnawur during the ensuing rainy season, in compliance with medical advice, and for the purpose of confirming the health which the Court of Directors permitted me to repair by having recourse to a sea voyage.

11. I think the opportunity is a favourable one in every way, and I request that the details regarding pioneers, &c., may be embodied in the letter above-mentioned to the Adjutant-general.

His

His Excellency the Commander-in-Chief has, I understand, been consulted demi-officially, and has no objection to the employment of these sappers, as proposed.

Instructions in the proper quarters should be issued on the remaining details.

(signed) *Dalhousie.*

(True copy.)

(signed) *E. C. Bayley,*

Under Secretary to the Government of India,
with the Governor-General.

(No. 195.)

MINUTE by the Most Noble the Governor-General of India, dated the
2d September 1850.

HILL ROAD.

1. ACQUAINT the Superintendent of the Hill States that, without further information, I decline to give my sanction to the measure he has proposed, for employing a large number of hired labourers in the construction of the new road now in progress from Kalka through the hills. The application of the Superintendent involves a wide departure from the conditions on which I gave my assent to the commencement of this work, and entirely alters its character.

2. My chief motive in assenting to the commencement of this road was the consideration, that it would enable the Government to relieve the native States and their subjects from the oppressive burden of supplying vast numbers of coolies for portage, a measure to which it was necessary to resort several times in every year, from the want of roads which could be traversed by beasts of burden. The native States are bound to supply labour for the formation of such roads; and their people would benefit directly and permanently by their construction. It was therefore reasonably expected that the States and the people alike would readily furnish the labour which was requisite.

The supply of such labour gratuitously would of course relieve the Government of an expense in the formation of a hill road, which, under existing circumstances, it could not otherwise have undertaken.

3. On the strength of these considerations, I consented to the commencement of the work; I gave, further, the services of sappers and pioneers, of officers and non-commissioned officers, and expressed my readiness to give such extra allowances as would make the superintendence of the works effectual, and advance them more rapidly.

4. The proposal which the Superintendent now submits entirely alters these arrangements. He proposes to employ hired labour, at an expense of nearly 6,000 rupees a month; not the slightest reference is made to how long this expense is to continue, nor is the commonest information given in the outlines of the plan, or on the details on which this expenditure is to be disbursed. This departure from the principles of the scheme to which I gave my sanction is objectionable; and the whole proceeding is unbusiness-like and unsatisfactory to me.

The Superintendent is in error when he states, in para. 7, that I have given my sanction to the hire of 600 coolies from Kooloo, in addition to the number required from the State of Bussahir. I sanctioned the hire of these men because the State of Bussahir had failed to supply the number of men they were directed to furnish, and were considered capable of furnishing with ease. The hire of men was to supply the deficiency to be paid for by the Bussahir State, not to give an increase of force to be paid by the Government of India.

5. It may possibly appear to me expedient hereafter to sanction the hire of labour, in order to complete more rapidly the road from Simla to Kalka; or arrangements may be made with the native States for this purpose. But I require first information on the points before adverted to, and desire that it may be supplied to me at once.

6. I beg the secretary to address a letter to Major Kennedy, who is superintending the construction of this road. State that I have received an application from the Superintendent of Hill States for authority to hire a large body of labourers for employment on the road, to which it is impossible for me to give any sanction without much more information than I now possess. I have already expressed my sense of the public spirit and zeal exhibited by Major Kennedy, in volunteering to superintend the survey and construction of this work. I am most unwilling to impose on him any labour in the execution of the task he has been so good as to undertake, which can possibly be avoided. But application having been made to me to sanction a considerable monthly expenditure, it is necessary that I should request Major Kennedy to address to me a report, stating generally what has been done towards the commencement of this road, and what is the course which he proposes to pursue, together with a sketch of the line itself. It is obvious that I cannot consent to involve the Government in an expenditure, such as is proposed by the Superintendent of Hill States, without such information on these points as will enable me to judge of the cost to which it is proposed to subject the State.

(signed) *Dalhousie.*

(True copy.)

(signed) *H. M. Elliot,*
Secretary to the Government of India
with the Governor-General.

(No. 226.)

EXTRACT Fort William Foreign Consultation, dated 11 October 1850.

LETTER from Major *J. P. Kennedy*, Superintendent Simla and Konawar Road, to Sir *H. M. Elliot*, K.C.B., Secretary to the Government of India, Foreign Department, with the Governor-General.

Sir,

Simla, 17 September 1850.

I HAVE had the honour to receive your letter, No. 1796, communicating the desire of the most Noble the Governor-general to be furnished with a report, stating generally what has been done towards the commencement of the new road under my superintendence, as well as the course which I propose to pursue for its further progress.

All that I have done has been in accordance with his Lordship's public announcements, expressing his intention to relieve the population of the Hill States from the oppressive practice of beggar, or forced labour, as soon as a road should be constructed that would admit of the transport of public baggage in these districts on four-footed animals or carts instead of coolies, as well as in reference to his desire to open a mercantile road through the Hill States, between the plains of Hindoostan and Thibet.

My first care was to frame the accompanying instructions, marked No. 1, for the guidance of all persons engaged in its superintendence. I then obtained the voluntary assistance of Major M'Murdo and Major Napier, and lost no time in minutely examining the country from the foot of the hills to the crest of the great snowy range of the Himalaya south of the Sutlej.

Two officers (Lieutenant Briggs and Captain Weller) have likewise been employed in examining and reporting on the district extending beyond the Huttoo range towards Konawur:

It was quite clear that the old existing lines of road had been laid out so erroneously, both as regards their general directions and their minor details, that it was impossible to use any portion of them in connexion with an improved line.

The fact of the main line running to the north from the plains at Kalka, rising at once over the heights of Kussowlie, about 3,000 feet above what would be admissible for a general line of road at that distance, and then plunging rapidly down to the bed of the Gumbur River at Hurreepore, probably 1,500 feet too low, was quite sufficient to condemn every portion of the old line between Kalka and Simla. Any attempt at improvement of this line would have been but a fruitless waste of means.

The obviously correct mathematical line for a road passing from the plains
northward

northward through the Hill States, offering at once a commercial communication with Central Asia through the Hill States, and an approach to our several sanitary stations, was indicated by the course of the rivers Jumna, with some of its tributaries, and the Sutlej. These two streams are separated by a district and continuous range of hills, which shed their waters in both directions, and offer convenient passes, and ample bases, for excellent carriageable inclines in the required direction of the road.

The Government having already, at a very heavy cost, made considerable progress in the construction of a new road from the foot of the hills at Kalka to the military cantonment of Dugshai, it appeared desirable, if possible, to take advantage of that road in connexion with the new project; and although upon examination it might not have been in the precise position that should have been selected for the terminal division of the hill road leading to the plains, it will answer every present object; and in effecting a junction with it I have not been obliged to outrage any principle. The northern neck of Krole uniting that and the Dugshai ranges with the Simla range, was an obligatory point which must have been adopted in any correct line of road going from Simla to the plains. The best continuation from that point would have been the line of the Jumna River, and that line can, at any future day, be adopted. In the meantime, the course I thought most expedient, was to run a branch of about 10 miles from the Krole neck into the Dugshai Road a little below the cantonment. This branch varies but little from a continued level. It would, under any circumstances, have been required, and for the present it serves to open the communication remarkably well with the plains, saving the construction at this moment, when so much work is in hand, of many additional miles of new road which would otherwise be required.

My own observations, united with the reports of others, have enabled me to decide upon the whole line as far as Chini, with the exception of one portion, where a question of some intricacy exists, connected with the passage of the Naugurree River. This I have reserved for further investigation. The remainder of the line is now in rapid progress of construction. The maximum incline I have established is 3 in 100, or about the rate permitted on the best mail-coach roads in England.

The only question that I have as yet decided with reluctance, in the selection of this very beautiful line of road, was that of crossing the Sutlej at Wangtoo, instead of following the Nagkund, a level by the left bank without falling, till it should reach the Sutlej higher up; but with every anxiety to adopt the latter course, after much consideration, it appeared to be quite inadmissible, because, being the only road of communication by that line, it would have been shut up by the snows for several months in every year. It may hereafter become a question whether that branch should not likewise be opened as a season road, in the event of an extensive traffic growing up.

The course that I have adopted, in the present case, was that of selecting the very best general line, as regards levels, that the nature of the ground and climate would allow, looking forward to the use of wheel carriages; and having laid out the line upon that principle, I have sought to open it as rapidly as possible to a width that would make it available for the present traffic of the country. Accordingly, after having traced out the line most accurately as a guide to the workmen, the next operation now in progress is that of widening the track to a breadth of five feet, making numerous passing places of 12 feet wide. This affords a scanty mule track, but much better than anything previously existing. Having accomplished this throughout, the next operation is to widen the whole to eight feet, which would furnish a very commodious communication for loaded animals.

Having thus brought the road up to the absolute requirements of the present traffic in the districts, it would then be for his Lordship to decide whether any and what degree of further enlargement might be advisable.

By this course the required improvement, under existing circumstances, can be accomplished at the smallest amount of cost, and an effectual progress will have been made towards the most perfect work that any future state of civilisation or advancement in the country can require.

The returns in my office at present show that the number of days' work registered, from our commencement in June to August inclusive, has been about 68,895. This was, with few exceptions, tribute labour; but if the whole had

8 MINUTES AND CORRESPONDENCE RELATING TO

been paid for at the market price, its value would not have amounted to more than 1,076*l.* I now estimate that, by the labour of 3,000 men a day for the three months of September, October, and November, the road can be completed to eight feet wide throughout, from the plains to Chini, with frequent places of passage 12 feet wide. The expense, then, at the end of November, would stand as follows :

	• Days.	£.
Labour to the end of August -	68,895, of which the value would be	1,076
Ditto during September, October, and November -	234,000 - ditto - - ditto	4,643
TOTAL -	302,895 - ditto - - ditto	5,719

Assuming the whole length
180 miles, labour per mile,
about - - - - 1,682 - ditto - about £. 31 4*s.* 4*d.*

But the greater portion of the labour would be tribute labour, and therefore free of cost to the Government ; and the actual cost in money to the Government at the end of November, when the above result shall have been effected, would probably be as follows, provided the proposition of the Superintendent Hill States be authorised ; viz.,

	Co.'s Rs.
Disbursements made from commencement of work up to	
31st August - - - - -	2,769
5,000 rupees per month for September, October, and	
November, for paid labour - - - - -	15,000
Incidentals, and pay of Messrs. Briggs, Dawson, account-	
ant, overseers, &c. - - - - -	4,731
	Co.'s Rs. 22,500

By the foregoing it appears that the actual cost in money to the Government would be about 2,250*l.*, or about 12*l.* 10*s.* per mile ; and I would earnestly bring to his Lordship's consideration that this is not a mere figure calculation, but one fully borne out by the results actually obtained on those portions of the road which are already opened. The tract from Simla to the plains has been carried into the Kalka and Dugshai road, about 37 miles ; in a few days it will have been widened out to admit the passage of mules ; so that by the time this report reaches his Lordship one portion of his benevolent intentions towards the population of these hills will have been realised.

The road, being brought to the state of forwardness above described, would suffice not only for the existing means of transport, which is by back loads borne on human beings, goats, and sheep ; it would admit the passage of loaded mules, camels, elephants, &c.

If his Lordship should decide upon the farther opening of this road to a width of 18 feet generally, reduced to 12 feet at cliffs, to admit of the transport of goods upon wheel carriages, the principle we are now acting upon would accomplish that result over the whole extent of the line, at an average total cost, from the commencement, of about 130*l.* per mile, supposing the whole of the coolie labour to be paid for ; and the absolute disbursement of money would, of course, be less in proportion to the amount of tribute labour that his Lordship may deem it advisable to employ in its completion.

The money scale estimate is only used here as a more familiar means of comparison. His Lordship is aware that another road, about 19½ miles in extent in these hills, which is being constructed under the usual forms, and which has been in progress since the year 1846, had cost, up to 21st May 1849, more than 892*l.* per mile, and that there was then sent in an additional estimate for completion of 153*l.* per mile, making the total cost, when it shall have been finished, 1,045*l.* per mile. Thus the cost of bringing that work, on the old principle, to completion, is just about eight times the amount required to complete a more difficult work upon my principle, calculating all the labour to be paid for ; and the line of country I have to deal with is much the more precipitous and rocky

of the two, at the same time that I have adopted a much more easy gradient for my maximum.

But the progressive course of construction which I adopt gives a much higher advantage to the Government, in the application of its finances, than even the above contrast exhibits; as I shall make my line available for a traffic much improved beyond that at present existing in the country, for an amount of labour only value for about 31 *l.* 14 *s.* 4 *d.* per mile, or about one thirty-third of the cost of the other per mile. Whilst the actual disbursements required to bring my work to the state of progress which I deem essential, would only be 12 *l.* 10 *s.* per mile, or one eighty-third part of the cost of the ordinary principle per mile; that is to say, the outlay of money which the Government is asked to disburse for opening 180 miles of road from Dugshai to Chini is less than 2 $\frac{1}{2}$ miles will have cost between Dugshai and Kalka.

I do not mean to say that there has been anything unusual in the cost of the Dugshai and Kalka road, when compared with the ordinary practice both of India and England, but I feel imperatively bound to lay before his Lordship this contrast of principles, as bearing upon the interests of the enormous empire of India, and in the hope of showing that the numerous improvements of which it stands so much in need, can be effected on a scale not utterly ruinous to the finances.

In laying out the line of road along the inflexions of the hills, I have sought by a careful arrangement of levels, to afford an opportunity hereafter of shortening the distance considerably in various places, by driving tunnels through narrow and extensive ranges of hills or spurs. One of these, about 150 yards long, between Simla and Mahassoo, is at present in operation, and one-fourth of the work is done chiefly by means of convict labour; a class of labour which, I am convinced, may be turned to most valuable account for the completion of the present undertaking in the thinly peopled districts between Nagkunda and Chini, where it is difficult to obtain labourers.

In undertaking the superintendence of these important works I have been anxious to illustrate some principles upon which, I believe, the physical improvement of India in a great measure rests.

First, by showing that the adoption of the most perfect principle in an undertaking of this class, is not more difficult or costly, even at the time, than that which is the most miserably defective.

Second, that the enormous expenditure which is generally considered indispensable in the construction of useful works, is not so.

Third, that some slight changes in the application of the means at the disposal of Government would afford a very large increased power of effecting useful public objects.

The Governor-general's confidence has enabled me to verify my intention, which the strict trammels of official routine would have rendered impossible, and from the discretionary power that it allowed me, I have been enabled to bring into a very forward state of progress a most important work, at a cost, whether of time or of money, that would not have sufficed under the ordinary forms, for the preparation of its project; and that project when so prepared, must have been comparatively defective, because I must have made up my mind upon every minute point of the line before forwarding any portion of the project, or commencing any part of the work; and any oversights or defects in the project would be obligatory in its after execution; whereas, I have been enabled to commence on the different portions one by one, as I became satisfied by the respective examinations, deferring for reconsideration all that suggested a doubt.

On the 6th of last June, the company of sappers which has been placed under my orders for the execution of this work, arrived in Simla. I immediately determined that the services of these valuable men should not be applied as is usually the case both in England and in India, by employing them as individual labourers on the works, but that they should forthwith be trained to act as overseers, under certain laid down rules, for the conduct of the working parties throughout the line; and having thus, in the first instance, made them practically acquainted with every operation in detail, through their instrumentality the public is now deriving a full and effective value in labour from each of about 3,000 labourers who are daily employed; and their powers of superintendence might be extended to three or four times that number, if such an increase were

found desirable. It is impossible to overrate the value of this description of well-organised subordinate superintendence in the direction of large bodies of labourers, whether as regards the efficiency or the economy of the undertaking.

The mode adopted for training the non-commissioned officers and sepoy of the sapper company to a knowledge of their duty as overseers, was by putting them to work in the first instance as labourers, to open a portion of the new road immediately south from Simla. This was a very favourable locating for the purpose, as it offered almost every variety of ground that could be desired, including easy clay, medium rock, and very precipitous cliffs.

As soon as they thoroughly understood their work as mere labourers, I obtained a working party of coolies from Mr. Edwards, the Superintendent of Hill States, and selected in rotation sepoy to direct their labours as overseers, and by the end of June the whole company were well trained for this work.

The working parties were then gradually increased, and the superintending officers and sapper overseers appointed as required to the several parties.

I have apportioned the whole length of the line between the junction with the Kalka road at Dugshai and Chini into seven divisions, as follows :

A. or Krole division, commencing at Dugshai	19 miles	{ Lieut. Johnson.
B. or Simla ditto, reaching Simla - - -	18 „	{ Lieut. Blackall.
C. or Mahassoo ditto, Simla to Teogh - - -	20 „	{ Major M'Murdo.
D. or Mutteeana ditto, Teogh to Nagkunda -	19 „	{ Major Napier.
E. or Kotghur ditto, Nagkunda to Naugurree	45 „	{ Fred. Freeman, Esq.
F. or Ternuda ditto, Naugurree River to	} 34 „	{ Lieut. Hankin.
Wangtoo - - - - -		{ Lieut. Dawson.
G. or Chini ditto, Wangtoo to Chini - - -	25 „	{ Capt. Weller.
		{ Major Cautley.
	180	

The following have been the number of days' work returned, upon the whole extent of the line during each month of its progress.

Average daily :							Total.
In June (from 10th)	-	-	-	-	-	-	5,447
In July - - - - -	-	-	-	-	-	-	22,559
In August - - - - -	-	-	-	-	-	-	40,889
Total to end of August - - -							68,895

Thus, to the present time, we have been just three months at work, those three months embracing the rainy season, and under the additional disadvantage of a great deficiency of tools. We have had nominally 68,895 days' work, which from the impediment of the rains, cannot be considered at more than one-half of the amount, or 34,447 effective days' work.

During that time, however, we have examined the whole line from Kalka to Chini; have laid out nearly the whole, and have had our working parties upon three-fourths of it; and calculating upon the work of 3,000 men per day during the present month, the 4th from the commencement, on the 10th of October, I have a right to expect that about eighty miles of the new line, the portion between Nagkunda and Dugshai-road leading to Kalka, shall be passable for loaded animals.

In addition to this, there will have been the labour done between Chini and Wangtoo, and likewise the work on the division between Nagkunda and Rampore.

What I should earnestly propose would be to stimulate as much as possible the works for the next three months, which will be the best working season in the

the hills; and with this view, I should hope that his Lordship would sanction the expenditure advised by the Superintendent of Hill States, amounting to 5,000 rupees per month for September, October, and November for paid coolie labour, in addition to such amount of beggar or tribute labour as it may be judicious to require from the several districts. I think that if his Lordship will sanction this limited amount of expenditure, there will be little doubt of our being able by the end of November to open the whole line from Kalka to Chini for loaded animals; after which, it will be easy to calculate the precise cost, whether in labour or in money or in time, required to bring the road to any required degree of width, &c., that his Lordship may deem fitting. As the main security for the economical construction of public works depends upon the principal officer in charge and all his subordinate superintendents being free to devote their entire attention to that construction, there can be little doubt that the expenditure upon public works in India would be vastly reduced and rendered much more efficient, if a distinctly responsible accountant, separate from the engineer in charge, were given to each public works district where extensive operations are in progress.

The engineer is not an accountant by profession, and as the whole responsibility of accounting for large sums of money now devolves upon him, his anxiety to avoid ruin must force him to devote a much larger proportion of his time to his accounts office than the interests of the constructive department would warrant; and even after he has done so, to the injury of the works, I have observed that the anxiety of having large unaudited sums of expenditure hanging over him for a long period, has created a feeling almost amounting to terror, in taking the charge of public works; so that many would gladly sacrifice the increased emolument which accompanies such a charge, and rejoin their corps as military officers to avoid this dangerous responsibility.

The separation of the accounts from the constructive branch need not produce an increase of expenditure, and it would, besides allowing to the works the full time and attention of the officers charged with their construction, afford an additional security against fraud, inasmuch as the engineer's and the accountant's departments would become reciprocal checks upon each other.

I should be glad if his Lordship would permit me to prove practically the efficacy of this plan during the short time that I may be in charge of these works, for which a convenient opportunity now offers by the presence in Simla, for his health, of Mr. Graham, one of the Honourable the Lieutenant Governor's accountants, who would for an allowance of 150 rupees a month undertake the accountant's duties and responsibilities connected with the new road. I think his temporary appointment for the months of September, October and November, would suffice.

To show how the counter check would act under this system, the accompanying paper, No. 3, contains the blank forms for vouchers, sustaining the expenditure both for labour and materials, with the certificates to be supplied to each class, both by the engineer's and accountant's departments; and if in pursuance of this system his Lordship could establish an imperative rule that every account should be immediately forwarded, and audited within two months of its transmission from the accountant of the works, there can be little doubt that the security of the individuals employed, as well as the impediments to fraud, would be very materially increased.

In fact, a distant audit is of little use in protecting the public, whilst it may frequently be a source of much injustice and hardship to individuals, as although every means must exist of verifying accounts at the moment the expense is incurred, it may be impossible for the public auditor to substantiate a real fraud against an accountant, as well as for an innocent accountant to remove an imputation of fraud, if the investigation be deferred for years after the facts have occurred. Procrastination in this respect unquestionably admits of proportionally extensive peculation, and makes the recovery of the sums peculated proportionally difficult, even when the charges are established. A claim for a lack of rupees is of very little value, against a man who may not have 1,000 to liquidate it.

I am getting a survey and section of the whole line prepared, which I hope shortly to be able to forward to you for his Lordship's information.

I have, &c.
(signed) *J. P. Kennedy*, Major.

(True copy.)
(signed) *E. C. Bayley*,
Under Secretary to the Government of India
with the Governor-General.

(No. 230.)

MINUTE by the Most Noble the Governor-General of India, dated
23 September 1850.

ROAD FROM DUGSHAI TO LADAKH.

1. I HAVE read the report of Major Kennedy, received on 21st instant, regarding the new road through the hills from Dugshai towards the border of Thibet, with very great satisfaction; and I beg the Secretary to convey to Major Kennedy my best thanks for the useful and interesting document he has submitted to me.

2. As I have already observed in previous minutes, the first and main object I have had in view is the formation of a road fit to be traversed by loaded animals, whereby the necessity of employing coolies for the conveyance of loads from the hills to the plains may be obviated, and the hardship inseparably connected with forced labour may be removed.

3. The greater portion of this burden is created by the conveyance of the officers of Government establishments, and stores, &c., for the troops between the plains and Simla. It is, therefore, obviously desirable that this portion of the road should be fully completed as soon as possible.

• The other portion from Simla to Ladakh, intended to open up the commerce of central Asia with Hindustan, is of importance also, but its completion is of less immediate consequence.

4. While, then, I have felt no hesitation in deciding to authorise the expenditure necessary for the early completion of the road between Simla and Dugshai, I have entertained some doubts of the necessity of authorising recourse to this employment of hired labour in the line between Simla towards Ladakh, instead of adhering to the plan originally contemplated of employing only the tribute labour.

Upon mature consideration, and referring to the estimated expenditure set down by Major Kennedy in his report, I recognise the value of testing experimentally, the practicability of constructing hill roads at the cost which has been named, on the principle Major Kennedy lays down, and under the system he has sketched.

5. I have, therefore, resolved to authorise the proposed expenditure of 5,000 rupees for each of the ensuing three months; with the understanding that the road from Simla to Dugshai shall be opened to the width of 12 feet, as its ruling breadth, so as to be ready for the use of beasts of burden in the ensuing season.

6. I would beg that accurate accounts should be kept of the expenditure on the several portions of road, so as to enable the Government of India to test with accuracy the results of this experimental operation in all its parts. For the fuller accomplishment of this object, I readily accede to the proposal for the employment of an accountant during the same period on the salary named.

7. When the plans and sections are prepared, I shall be glad on my return to Simla to see them, and to confer with Major Kennedy personally on this very important branch of public works.

(signed) *Dalhousie*.
(True copy.)
(signed) *E. C. Bayley*,
Under Secretary to the Government of India
with the Governor-General.

(No. 160.)

EXTRACT Fort William Foreign Consultations, dated 13 December 1850.

LETTER from Lieutenant *D. Briggs*, Superintendent Hindustan and Thibet Road,
to Sir *H. M. Elliot*, K.C.B., Secretary to the Government of India.

Sir,

Simla, 20 November 1850.

I HAVE the honour to intimate, for the information of the most Noble the Governor-general, that I yesterday received charge of the Hindoostan and Thibet Road from Major Kennedy.

2. As, from his other duties, Major Kennedy may not have time to write to Government regarding the transfer of the company of sappers from his charge to mine, I beg you will request his Lordship to have the company placed under my orders.

3. I have further to request that his Lordship will be pleased to direct the publication of a General Order, appointing me to the superintendence of the Hindoostan and Thibet Road.

I have, &c.

(signed) *D. Briggs*,

Superintendent Hindustan and Thibet Road.

(No. 161.)

MINUTE by the Most Noble the Governor-General of India, dated
25 November 1850.

THE HILL ROAD.

1. ACKNOWLEDGE Lieutenant Briggs' letter of the 20th instant, reporting that on the previous day he had received charge of the Hindustan and Thibet Road from Major Kennedy. Acquaint him that he will be gazetted as superintendent of that road.

Gazette accordingly. Give charge of company of sappers to him.

2. Acquaint Lieutenant Briggs that on 17th September Major Kennedy addressed to me a report on the Hill Road, in which he solicited certain assistance, and stated his anticipations regarding the progress of the road and its probable completion, in the terms of the annexed extracts.*

3. A reply was immediately made on the receipt of this report, granting the aid solicited, and conveying the views of the Government regarding the execution of the road. A copy of this communication is annexed.

4. No further report of the progress of the work has been made by Major Kennedy; and as he has made over charge of the road, it is to be presumed that none is intended.

5. Lieutenant Briggs will be so good as to turn his immediate attention to the preparation of a report, showing the exact state of this work from Dugshai to Chini, at the date of his taking charge of it. He will show in detail the width to which the road has been opened, and its exact condition in its several divisions, and in each separate portion of those divisions.

Lieutenant Briggs will be so good as to forward hereafter a monthly progress report to the Governor-general; and he will specially report at the end of the three months, for which an expenditure of 15,000 rupees was sanctioned, how far the anticipations which Major Kennedy expressed in his report have been realized. As the operations then sanctioned were in various different ways of an experimental nature, and were intended to form a basis of comparison for other similar works, in respect of rapidity of execution, of system, and cost, it is manifestly requisite that Lieutenant Briggs should make his report full and accurate.

6. Address

* "The returns in my office have been realized."

"On the 6th of last June may deem fitting."

6 Address the Adjutant-general, stating that I have learnt from Lieutenant Briggs that Major Kennedy has made over to him the charge of the road. In his report, Major Kennedy stated that Major M'Murdo, Major W. Napier, and F. Freeman, esq. had afforded him assistance in the superintendence of the work. Request that the thanks of the Government for the assistance they volunteered may be conveyed to Major M'Murdo and to Major Napier, as well as to Mr. Freeman, who it is believed is with the camp of the Commander-in-chief.

(signed) *Dalhousie.*

(True copy.)

(signed) *Edw. Thomas,*
 Officiating Under Secretary to the Government of India
 with the Governor-General.

(No. 274.)

EXTRACT Fort William Foreign Consultations, dated 20 December 1850.

LETTER from Major *J. P. Kennedy* to Sir *H. Elliot*, K.C.B., &c. &c.

Sir,

Meerut, 24 November 1850.

I HAVE the honour to report to you, for the information of the most Noble the Governor-general, that I succeeded in making the new road from Simla to Dugshai passable for horses, and that I accompanied his Excellency the Commander-in-chief and his staff by that road, on the 16th and 17th instant, towards the plains.

In conformity to his Lordship's arrangements, I gave over charge of the new road to Lieutenant Briggs on the 17th instant, and am now on my way to Calcutta, where I hope to arrive about the 2d of December proximo.

I have, &c.
 (signed) *J. P. Kennedy.*

LETTER from Lieut. *D. Briggs*, Superintendent Hindoostan and Thibet Road, to Sir *H. M. Elliot*, K.C.B., Secretary to the Government of India with the Governor-General.

Sir,

Simla, 21 December 1850.

I HAVE the honour to acknowledge the receipt of your letter (No. 2,730) of the 30th November, calling upon me for a report showing the exact state of the road from Dugshai to Chini on the date of my assuming charge of the work, and stating how far the anticipations which Major Kennedy expressed in his report as to rapidity of execution of system and cost have been realised.

2. As directed in your communication, I will first detail the exact condition of each division on my assuming charge, with the expenditure up to that time, which was within 15 days of the expiry of the three months, for which the sum of 15,000 Company's rupees was sanctioned. I will then detail my plans for the future, and lay before his Lordship certain propositions with reference thereto for his consideration. To render this report as clear as possible, I annex a sketch of the whole line from Dugshai to Chini.

3. From Dugshai to the Krole Mountain, a distance of 21 miles, the road was opened to a general breadth of 5 feet. At a few difficult places this was reduced to 4 feet, and round one or two spurs of the mountain temporary ramps, none exceeding 80 yards in length, had been cut to avoid precipices.

From the Krole to Kearee Ghat, 12 miles, the road was open to a breadth varying from 4 to 6 feet; and at the ghat a quarter of a mile had been opened to 12 feet.

From Kearee Ghat to the cliffs at Tara Devi, 8 miles, the road had a uniform breadth of 5 feet. At the cliffs the road was taken under them by temporary ramps for a distance of about half a mile, so as to render them passable for the time. From these cliffs to the obligatory neck under Prospect Point, 3½ miles, the road had again a uniform breadth of 5 feet.

From

From this obligatory neck to Simla, $4\frac{1}{2}$ miles, the road was of various breadths. The first $2\frac{1}{2}$ miles varied from 4 to 5 feet, and included two temporary ramps, which rendered two difficult cliffs passable. The last two miles varied from 5 to 12 feet in width, about one mile being of the former breadth, and one mile of the latter.

4. Thus the whole distance from Dugshai to Simla, $49\frac{1}{2}$ miles, was open to a breadth varying from 4 to 12 feet, and temporarily passable for men or horses. For laden animals it could not be so considered, as the various ramps and projecting rocks opposed the free passage of such.

The number of labourers, according to returns in this office, employed on these $49\frac{1}{2}$ miles, was 86,500, of whom 39,070 were paid and 47,430 unpaid. The total expenditure on labour was *Co.'s Rs.* 7,404. 0. 4., and on superintendence *Co.'s Rs.* 939. 10. 6., or a total expenditure of *Co.'s Rs.* 8,343. 10. 10. This gives an average of 1,747 labourers per mile, and had they been all paid for, an expenditure of *Co.'s Rs.* 249. 9. per mile. As, however, more than half were unpaid men, the expenditure on labour per mile was only *Co.'s Rs.* 149. 14. for the line between Dugshai and Simla.

5. I shall now describe the conditions of the upper portion of the line from Simla to Chini on my assuming charge.

From Simla to Mahassoo, about 9 miles, was partially open to a breadth of 5 feet, but impassable, in consequence of the several cliffs that occurred being left untouched. The tunnel near Simla had been excavated 213 feet, or about one-half of its full length, but neither in breadth nor height had it attained its proper dimensions.

From Mahassoo to Teog, about 8 miles, and from Teog to Mutteeanah, six miles, the work was in a similarly incomplete state. The road was wholly lined out, and parts where the soil was easily worked had been opened to a breadth of 5 feet; but all cliffs and difficult spots had been left in their natural state.

From Mutteeanah to Nagkundah, 10 miles, much of the road had been opened to a breadth of 6 feet; but where precipices occurred the true line of the road had been left, and they were only passable by means of footpaths led under or over them.

6. The entire 33 miles of road from Simla to Nagkundah could not be considered more than half completed to a breadth of 5 feet, as the work to be done, although not equalling in extent that completed, was still infinitely more difficult and expensive. The number of coolies employed on this portion of the line was 62,888, of whom 8,775 were paid labourers, and 54,113 were unpaid. This gives an average of 1,965 coolies per mile, or (had the labour been all paid for) *Co.'s Rs.* 280. 11. 5. per mile. The actual expenditure was, on labour *Co.'s Rs.* 1,747. 11. 5., and on superintendence *Co.'s Rs.* 1,741. 5. 8., or a total expenditure per mile of *Co.'s Rs.* 105. 11. 8.

7. Between Nagkundah and Wangtoo operations had not been commenced further than picketing out the line with flags, which was done by myself on my return from Chini in October. The intended line between these points is fully determined on, and will be nearly level throughout.

8. Between Wangloo and Chini 10 miles of road had been opened to a breadth of 5 feet.

In consequence of the extensive cliffs occurring throughout this division, these 10 miles were not continuous, but were composed of portions lying between the most difficult cliffs, in some of which, however, much work had been done: 25,295 labourers were employed on this portion of the work, of which 20,429 were unpaid, and 4,866, from the Kaoloo district, who were paid, and whose wages were recovered from the Bussahir state. The number of labourers per mile was consequently 2,529; or, had they been paid for, equal to *Co.'s Rs.* 361. 4. 7. This is 112 rupees per mile dearer than the lower road between Simla and Dugshai, and is owing to the exceedingly difficult nature of the ground in the upper part of the valley of the Sutlej. Besides these 10 miles of road, the whole of the wood and iron-work for a light cattle bridge across the Sutlej near Wangloo had been prepared, the piers had been built, and all is ready to throw the bridge across at the commencement of next season.

9. The entire work that had been executed on the line up to the date of my receiving charge from Major Kennedy may thus be detailed:—

Operations had been commenced over 92½ miles of road, of which 49 miles were continuous, and of an average breadth of 5 feet, on which had been employed 86,500 labourers, making an average of 1,747 labourers per mile, and which, had they been paid for at the usual rates, would have entailed a cost of *Co.'s Rs. 249. 9. per mile.* As it was, the expenditure per mile was, for labour, *Co.'s Rs. 149. 14.,* and for superintendence, *Co.'s Rs. 18. 11. 3.*

10. Thirty-three miles were partially open to a width of five feet, on which had been employed 62,888 labourers, making an average of 1,905 men per mile, which, had they been paid, would have cost 272 Company's rupees per mile. As it was, the expenditure per mile for labour was 53 Company's rupees, and for superintendence, 52 Company's rupees.

11. Ten miles were open to a breadth of five feet, but not continuous, the labour upon which had been 25,295 coolies, or 2,529 per mile, which, had they been paid, would have been equivalent to *Co.'s Rs. 332. 11. 5. per mile.* The actual cost per mile was, on labour, *Co.'s Rs. 81. 1. 7.,* and on superintendence, *Co.'s Rs. 15. 13. 9.*

12. The total amount of labour since the commencement has been 174,673 coolies; and assuming the whole distance from Dugshai to Chini to be 166 miles, they have certainly opened out one-half to an average width of five feet.

13. Major Kennedy, in his report, states as his opinion, that 302,895 labourers should open out the whole distance to a breadth of eight feet; but, judging from the actual returns of work done, it will take 46,461 above this number to open it out to six feet. This, however, is no very great discrepancy, as the additional two feet in breadth add but little to the expense of the road. Six feet will also be ample breadth for the present requirements of the road between Simla and Chini, as such, with occasional places of passage of 10 feet in width, would be perfectly practicable for laden mules and litters. This breadth will not, however, suffice for the easy traffic of the large number of loaded animals which must be employed between Simla and Dugshai, to fulfil his Lordship's main object, that of obviating the necessity of employing coolies for the conveyance of loads from the hills to the plains, and the hardship inseparably connected with forced labour.

14. A general breadth of 12 feet, with places of passage of 18, will be required. Now as experience has shown us that it took 1,747 labourers per mile to open a five feet path over this portion, it will require, on account of the steepness of the hill sides, more than double that number to increase this width to 12 feet, or, in other words, it will require 216,166 labourers in addition to those employed, up to the date of my receiving charge, to complete the line from Dugshai to Simla to a breadth of 12 feet. The total labour employed in opening the road to this breadth will then have been 302,666 coolies, or 6,053 per mile, which had it been all paid for, would have cost 864 rupees per mile. This his Lordship will perceive is well within the estimate made by Major Kennedy in the 18th para. of his report, in which he states, "If his Lordship should decide upon the further opening of this road to a width of 18 feet generally, reduced to 12 feet at cliffs, to admit of the transport of goods upon wheel carriages, the principle we are now acting upon would accomplish this result over the whole extent of the line, at an average total cost from the commencement of about 130% per mile, supposing the whole of the coolie labour to be paid for."

15. As I understand it to be his Lordship's wish to have this portion of the line open for the return of the Government establishments in April next, I can only, after deducting Sundays, calculate on 104 working days. It will, therefore, be necessary to employ 2,078 labourers per diem, and to do this my resources are unequal.

The utmost amount of unpaid labour the Superintendent of Hill States can furnish me with on this portion of the line, is 500 coolies per diem. The
balance

balance of former sums sanctioned by Government remaining in my hands, is Co.'s Rs. 6,848. 5. 1. (*vide* Account Current and Statements attached to this Report). My resources therefore are,

	No. of Labourers.
500 unpaid coolies, for 104 days - - - - -	52,000
Co.'s Rs. 6,848. 5., equal, at 7 coolies per rupee, to - - -	47,938
Total available Labourers - - - - -	99,938

16. To complete the number I conceive necessary for my object, I require 1,16,228 labourers, or in terms of money, 16,604 Company's rupees. I have proposed to the Superintendent Hill States that the districts which have neglected to furnish the number of free labourers required from them, shall be fined at the market rate of a coolie's pay for each absentee. These have been so numerous, that up to the present time, such fines, not including those for the State of Bussahir, would yield a total of 6,000 Company's rupees.

If his Lordship would be pleased to allow of the imposition of these fines, and the amount credited to the road fund, the total sum required from Government on account of labour, to open the lower portion of the line to a width of 12 feet by April next, would be 10,604 Company's rupees; and for this amount do I beg his Lordship's sanction. In this I do not include the expense of parapet walls, or rails, which may hereafter become a matter for consideration.

17. I have, in para. 6, shown that an average of 1,965 coolies per mile did not more than half open 33 miles of the upper line between Simla and Naghundah, to a breadth of five feet; and in para. 7, that an average of 2,529 labourers per mile opened out 10 miles of five-foot road between Wangtoo and Chini. Major Kennedy states that he anticipated an average of 1,682 coolies per mile would open out the whole of this to a breadth of eight feet, but he miscalculated on the nature of the ground. An average of 2,600 labourers per mile, or, assuming the distance to be 117 miles, a total of 3,04,200 coolies should suffice to construct a six-foot road from Simla to Chini. But of the 3,04,200 coolies, we have already had 88,147 up to the time of my assuming charge; so that 2,16,053 is the requisite number. Should it be required to have such a road open by the 15th of June, we can only calculate on 140 working days, and shall therefore require 1,543 labourers per diem. The Bussahir State, through which nearly the whole of the upper line runs, can furnish, I believe, 1,200 coolies per diem. The remaining 343 may be procured from neighbouring states, and paid from money due by the Bussahir State, on account of absentees of last year. The sum of 1,823 Company's rupees, or the pay of 12,761 labourers, is still due on this account. This will suffice for the payment of half the number the Bussahir State may be unable to furnish. Payment for the other moiety may perhaps be sanctioned from other funds by his Lordship.

18. The results which form the data on which these calculations are made, were obtained when a most efficient staff, chiefly of volunteers, were at Major Kennedy's disposal. I have at present only the assistance of three officers, viz., Lieutenants Dawson and Johnson and Major Cautley. The first is employed on the upper line, on a salary of 250 rupees per mensem, and his services there cannot well be dispensed with. Lieutenant Johnson is fully employed in the neighbourhood of Dugshai, and Major Cautley between that and Simla.

Another assistant, sanctioned by his Lordship, on a salary of 100 rupees per mensem, Mr. Quin, is not fitted for the duties of the superintendent of a division. I have just lost the valuable assistance of Lieutenant Hankin, of the 6th Irregular Cavalry, and feel that, under these circumstances, I cannot expect the same results as were obtainable when Major Kennedy had the assistance of nine officers.*

19. For the works between Simla and Dugshai, I am much in need of the superintendence of officers, in consequence of the rapidity of execution that is required. I have had several offers, from officers here well fitted for the duties,

* Lieutenant Johnson, Lieutenant Hankin, Lieutenant Dawson, Major M'Murdo, Major Napier, F. Freeman, esq., Captain Weller, Major Cautley, and Lieutenant Briggs.

to lend me their services, if Government would be pleased to pay their extra expenses. I would beg of his Lordship to sanction the appointment of two of these officers, on a salary of 120 rupees each per mensem, until the work is completed. This would only entail an extra charge of 240 rupees per mensem, and six months would serve to complete the whole line to Chini.

20. The services of the European non-commissioned officers and privates of the Honourable Company's Sappers and Her Majesty's 22d Regiment have been most valuable, and I trust that his Lordship would be pleased to continue the monthly allowance of 20 rupees per man they have hitherto received.

21. The system of accounts which Major Kennedy adopted, and which is being strictly carried out by me, is such as to enable me at any time to furnish the Government with an accurate account of the expenditure on each of the several portions of the road. The services of the accountant, Mr. Graham, have been indispensably necessary in carrying out this really perfect system of road accounts; and I would beg of his Lordship being pleased to sanction the retention of Mr. Graham's valuable services for the next six months, on the salary he has been receiving, of 150 rupees per mensem.

22. The sum of my requisitions for the six months ending 30th June 1851, and which, if sanctioned by his Lordship, will enable me to open, by that date, the whole line from Dugshai to Simla, and thence to Chini, the former portion to a breadth of 12 feet and the latter to six, are—

	Co.'s Rs.
1st. A grant from Government on account of labour on the Dugshai, and similar portion - - - - -	10,604
2d. Fines on certain Hill States on account of absentees - - - - -	6,000
3d. Fines due by the Bussahir State - - - - -	1,823
4th. The services of two officers for six months, at 120 per mensem - - - - -	1,440
5th. Accountant's salary for six months, at 150 per mensem - - - - -	900
6th. Allowance to 20 European non-commissioned officers, at 20 per mensem, for six months - - - - -	2,400
Total - - - Co.'s Rs.	23,167

Of which only 15,344 rupees is chargeable to Government.

23. As the success of these arrangements depends entirely on the regularity with which the different states furnish their quotas of free labourers, I beg that the Superintendent of Hill States may be allowed to fine any delinquent state to the amount due by it for absentees, taking each absentee at the market value of coolie's services.

24. I have appended to this report the following statements, which I trust his Lordship will consider satisfactory:

1st. Return of labourers employed on the road from its commencement to the 15th November 1850.

2d. Return of establishment, with the salary drawn by each incumbent from the road department.

3d. Account current, with statements explanatory of every item of expenditure in each division.

I have, &c.

(signed) *D. Briggs,*

Superintendent Hindoostan and Thibet Road.

(No. 35 of 1851.)

LETTER from Lieutenant *D. Briggs*, Superintendent Hindoostan and Thibet Road, to Sir *H. M. Elliot*, K.C.B., Secretary to the Government of India, with the Governor-General of India.

Sir,

Simla, 4 February 1851.

As it might appear, from my report of the 21st December last, that the only obstacle to the free traffic of laden animals from the plains to Simla existed between Dugshai and this station, and that my project of opening that portion of the new road by 1st May next, if successful, would render the whole line between

between the plains and Simla practicable for beasts of burthen, I have the honour to beg you will bring to his Lordship's notice, that, since the despatch of that report, I have visited the road between the plains and Dugshai, and found, to my surprise, that it is next to an impossibility to have that portion passable for laden animals by the 1st of May, or indeed by a much later date.

2. This will, of course, render my efforts to open the line between Dugshai and Simla by that date (of the practicability of which I do not entertain a doubt, should his Lordship be pleased to accede to the propositions set forth in my report), devoid of any benefit to the public.

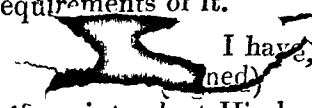
3. With a desire to bring this portion of the road into immediate use, I have examined the country lying between Dugshai and Kalka, and have discovered that an excellent line exists to the north of Dugshai, which, besides enabling me to shorten the road between that cantonment and Simla by ten miles, is superior to that under construction between Dugshai and Kalka in point of distance, easiness of descent, and cheapness of construction.

4. I am informed that the line in progress between Dugshai and the plains is twenty miles in length, is generally at a gradient of 10 in 100, will yet cost 60,000 rupees, and requires one year to complete it. The line I beg to draw his Lordship's attention to (and which is represented by the red line in the accompanying sketch) will reduce the distance from Dugshai to Kalka to 14 miles, will never exceed a gradient of 4 feet in 100, and may be constructed by an amount of labour not exceeding in cost 10,000 Company's rupees in two months.

5. There is another point which may favourably recommend this line to his Lordship's notice.

The Superintendent of Hill States has informed me that a road to connect the two hill stations of Dugshai and Kussowlee has been sanctioned by the Government. The line which I propose will, with two branch roads, each half a mile in length, fully, and as perfectly as may be, provide for the easy communication between these stations, and will, at the same time, afford to each easy access to the plains.

6. Should his Lordship be pleased to sanction this proposal of mine, all that I require are the services of the 3d Company of Sappers (at present employed under Dugshai) for a period of two months, and the sum of 10,000 rupees, or labour equivalent to it, from which ought to be deducted the amount sanctioned by the Military Board for the line between Dugshai and Kussowlee, as the line proposed by me meets all the requirements of it.


 I have, &c.
 (signed) D. Briggs,
 Superintendent Hindoostan and Thibet Road.

(A true copy.)

(signed) H. M. Elliot,
 Secretary to the Government of India
 with the Governor-General.

MINUTE by the Most Noble the Governor-General of India, dated
 14 February 1851.

SIMLA AND DUGSHAI ROAD.

1. THE report of Lieutenant Briggs shows that the anticipations formed by Major Kennedy, and held out in his report, have not been fulfilled. The road was open for the journey of the Commander-in-chief from Simla to Dugshai in the end of November, but it was only rendered passable by temporary expedients of ramps and wooden stages, carrying it round all the chief difficulties in the way.

Although the expectations which I was encouraged to form have not been fulfilled, and although the road from Dugshai to Simla will require both more money and more time to finish it than was supposed, I think that the progress which

which has been made is satisfactory, and that the work will be well worth the additional money which will be required to complete it.

2. I continue, as I have declared myself from the first, to be especially anxious for the formation of that portion of the road which lies between Simla and the plains, since the opening of that line for beasts of burthen will at once put an end to the worst and largest part of the oppressive system of begâree which it was intended to remove.

I wish Lieutenant Briggs, therefore, to continue to direct his attention to the formation of this part of the line in particular, on the scale specified in my former letter. If any diminution of that scale should be desirable at particular points, by reason of the difficulty of the work, and its consequent expense, Lieutenant Briggs will be so good as to report specially thereupon.

3. The neglect and apathy of the chiefs in regard to a work which is so greatly for the advantage of their people, are to be regretted ; but the work cannot be allowed to fail on that account, nor can the chiefs be permitted to evade the plain obligations of their subordinate condition as tributaries.

4. It is not necessary, nor does it appear to me to be expedient, to levy the fines proposed upon the several chiefs whose coolies have absconded ; I think it better to overlook the faults of the past, and to confine my instructions to providing against their recurrence in the future.

With this view the quota of labourers which each chief may equitably be called upon to furnish for the formation of roads through his territory should first be fixed ; the value of their labour, at the market rate, should then be ascertained, and the chief should be required to pay the sum to which it may amount in cash to the British Government, who will then hire the labourers necessary to complete the work which the chief was bound to perform.

Before enforcing this payment by the several chiefs, the Superintendent of Hill States will be careful to explain to them the nature of this measure, and to show that their own indifference or want of control over their subjects has compelled the Government to have recourse to it.

5. The additional aid of two officers on the allowance named shall be given to Lieutenant Briggs, on condition that these officers are already in the hills absent from regimental duty, and that thus additional removals shall not be caused by the grant.

I have no objection to continue the assistance of the serjeants or overseers, and of the accountant.

6. The additional expense involved in all this, will be considerable. A sum of 15,000 rupees has already been granted and expended. Lieutenant Briggs solicits, in various items, an additional sum of 23,000 rupees. Though this will swell the expense beyond what was anticipated, still it will complete a work of great value at a comparatively small expense. The expenditure will be well bestowed, not merely as effecting the abolition of an oppressive system, but as a measure of economy, which will annually save to the Government a large sum, now necessarily expended in the payment of the porters for the carriage of the public establishments connected with the Government when in the Upper Provinces, with army head quarters, and with the stores for troops quartered in the hills.

7. The quota to be fixed for each chief, and the sum which will consequently be exigible from him in commutation of the labour, should be submitted for the approval of the Board of Administration. Monthly progress reports will be sent direct to me by Lieutenant Briggs.

(signed) *Dalhousie.*

(True copy.)

(signed) *H. M. Elliot,*
Secretary to Government of India with the
Governor-General.

MINUTE by the Most Noble the Governor-General of India, dated
14 February 1851.

LIEUTENANT BRIGGS' PROPOSED ROAD FROM DUGSHAI TO KALKA.

1. If the facts be as Lieutenant Briggs states; if a road from Kalka to Dugshai can be made 14 miles long instead of 20, on a gradient of 4 to the 100 instead of 10 to the 100 feet; to be completed in two months, whereas, the present road, long in progress, cannot be finished under 12; and if all this can be done for 10,000 rupees, instead of 60,000 required for the completion of the existing plan, in addition to the sums already expended, there can be no doubt of the advantage of adopting Lieutenant Briggs' view.

2. But these facts appear to me to be very strange, and to call for further inquiry. Transmit Mr. Briggs' letter and sketch to the Superintending Engineer at Umballa; request his immediate attention and full reply to it.

Call for an immediate and concise report on the Kalka road, stating the length, the gradient, the dimensions, the date when commenced, the date at which its completion is expected, the money already expended on it, and the money required to complete it.

3. Inform Lieutenant Briggs that the facts he has stated appear to me to call for inquiry, and that I have referred his letter, and will form my judgment upon it and upon the reply when the latter is received.

(signed) *Dalhousie.*

(True copy.)

(signed) *H. M. Elliot,*
Secretary to the Government of India
with the Governor-General.

(No. 3687.)

LETTER from Lieutenant-Colonel *J. T. Boileau*, Superintending Engineer N. W. Provinces, to Sir *Henry Elliot*, K. C. B., Secretary to the Government of India with the Governor-General.

Sir,

Camp, Umballah, 24 February 1851.

I HAVE the honour of acknowledging the receipt (yesterday) of your letter, No. 494, dated the 17th of February current, forwarding, by desire of the most Noble the Governor-general, a letter from Lieutenant Briggs, Superintendent of the Thibet and Hindoostan Road, No. 35, dated the 4th instant, with sketch, proposing a new line of road from Kalka to Dugshai, and, in compliance with his Lordship's instructions, beg to make the following observations in reply.

2. A statement is submitted with this letter, exhibiting in detail all the particulars of construction of Lieutenant-colonel R. Napier's road from Kalka to Dugshai. The length from Kalka to the four cross roads in the centre of the cantonments at Dugshai is 17 miles 1,644 yards, or nearly 18 miles, of which distance:

2 miles - - - is at a gradient of 7 in 100

8 miles 1,200 yards is at a gradient of 4 in 100

6 miles 0,004 yards is at a gradient of $2\frac{1}{2}$ in 100

and 1 mile 0,440 yards is level;

whence, if the incline were uniform along the whole road, the gradients would be as follows; viz.

From Kalka to the four cross roads in the

centre of the cantonments of Dugshai - 3 feet 596 in 100 = $2^{\circ} 04'$.

From ditto to the Parade - - - - 3 feet 573 in 100 = $2^{\circ} 03'$.

The total rise from Kalka is about 3,405 feet.

3. Lieutenant Briggs, in the fourth paragraph of his letter, No. 35, to your address, states, on information which he has received, that the road (Lieutenant-colonel Napier's) from Dugshai to the plains is 20 miles in length, is generally at a gradient of 10 in 100, and that the line of road which he proposes to adopt,

will reduce the distance from Dugshai to Kalka to 14 miles, and will never exceed a gradient of 4 feet in 100. Now, the slightest inquiry on the part of the Superintendent Thibet and Hindoostan Road into the facts of the incorrect and exaggerated information which he had received, would at once have satisfied him of its inaccuracy, and have prevented (as it ought to have done) the submission of such a loose report to the Governor-general. Twenty miles are equal to 115,600 feet, which, at 10 feet in 100, would give the rise from Kalka to Dugshai, 11,560 feet; to which add 1,800 feet, being about the height of Kalka above the level of the sea, and we shall have 12,360 feet for the height of Dugshai above the same level, or more than double the height of its highest peak (5,760 feet), and equal to the most elevated point of the Chor mountain; this simple arithmetical computation would have shown Lieutenant Briggs how greatly he had been misinformed, and it was certainly his duty to have made it.

4. Again, in regard to the proposed line which is to reduce the distance between Dugshai and Kalka from 20 to 14 miles, *i. e.*, more than one-fifth, and; at the same time, to diminish the inclination from 10 to 4 feet in 100, *i. e.*, three-fifths, I will only remark, that if the same extreme points are taken in both lines of road, the result, as stated by Lieutenant Briggs, is a physical impossibility; while, if the same points are not taken, the comparison between the two lines of road does not hold good, and the statement is calculated only to mislead. A road of 14 miles made from Dugshai to Kalka would have a slope of 15 feet, 577 in 100, equivalent to an angle of $8^{\circ} 57'$, on the supposition that another road between the same points, of 20 miles in length, had a slope of 10 in 100, *i. e.*, its inclination would be one-half greater, instead of three-fifths less, as assumed by Lieutenant Briggs. Such careless and inaccurate statements cannot be too strongly condemned.

5. Of the exact length of the proposed new line, I am not able to give a precise opinion. The sketch submitted by the superintendent of the road has a scale attached to it, which, if correct, would make the old road 11 miles and 7 furlongs, and the proposed new one 10 miles and 6 furlongs only. Both distances are manifestly too short, and either the scale or the sketch is therefore inaccurate. The Lawrence Asylum is the only place on the line between Dugshai and Kussowlee which is identified by name. I have, therefore, marked on the sketch with red ink letters, points which I suppose to be as follows; viz.

A. The ridge connecting the N. end of the Dugshai Hill with the hill to the N. E. known as the Chewa Ridge.

B. The point on the north ridge, or spur of the Dugshai Hill, on the road to Subathoo, where the pathway to Kussowlee branches off.

C. The hill of Dhurunpore.

D. The bazaar at the foot of the Kussowlee Hill, commonly known as the "Gulkhur Huttee."

The distance from C. to D. has been measured by the executive engineer, Captain J. Anderson, along the line proposed by him for construction, both on the north and on the south sides of the range, and is just $4\frac{1}{2}$ miles in length; from C. to the four cross-roads in Dugshai is about four miles more: total from the Gulkhur Huttee to Dugshai, about $8\frac{1}{2}$ miles.

From Gulkhur Huttee to the Pioneer Camp P. in the	
sketch is about	- - - - - 6 miles.
And thence to Kalka	- - - - - 5 ,,

which would make the distance from the four cross roads in the centre of the station at Dugshai, by Lieutenant Briggs' proposed new line, $19\frac{1}{2}$ miles, or rather more than $1\frac{1}{2}$ mile longer than it is by Lieutenant-colonel Napier's road.

I do not give the above distances with full confidence in their exactness, but I believe they are very nearly correct.

A more direct line from Dugshai to the plains appears to be through the station of Kussowlee. Its length is as follows; viz.

From

			<i>Miles.</i>	<i>Yards.</i>
From Dugshai to the Gulkhur Huttee, as above	-	8	880	
From Gulkhur to Kussowlee Parade	-	1	340	
From Kussowlee Parade to Kalka	-	8	1,162	
TOTAL			18	0,622

but this distance is affected with any error in the estimated line from Dugshai to the Gulkhur Huttee..

6. The line of road which Lieutenant Briggs proposes to adopt was examined by Lieutenant-colonel Napier, and by Lieutenant Drummond, of the Engineers, before the road now under construction was marked out, and it was abandoned for two reasons; viz.

1st. Because it was believed to be longer than the present line; and,

2d. Because the ascent up the spur or ridge on the north side of the hill at Dugshai could only be effected at a moderate incline (4 in 100) by making numerous zigzags, which are inconvenient, and would have added much to the travelling distance.

Reasons, in my opinion, sufficiently strong to justify the selection made by Lieutenant-colonel Napier of the present line from Kalka to the Dugshai Cantonment.

7. It must also be borne in mind, that the object of the present road was simply to afford an easy communication between Kalka (or Pinjor) and the station of Dugshai, for which purpose it was necessary to carry it quite into the ground occupied for the cantonment. The road was not considered in reference to its extension in any direction, but was solely intended for the use of the troops and the traffic contingent on their wants. This end will be completely effected as soon as the line is open, and I am of opinion that the new line proposed by Lieutenant Briggs would not, as regards the cantonment at Dugshai, offer one single advantage over the present line, while it has the one great disadvantage of a difficult access to the occupied portion of the hill from the north spur, or of a great increase in length, if carried (at a moderate incline of say 4 in 100) along either side.

8. I concur entirely in the advantage of opening that portion of the new line which lies between Dugshai and Kussowlee; the troops at both stations suffer great inconvenience from want of the means of communication with each other by the direct line. The necessity for the construction of this road was brought to the notice of the Superintendent Hill States by the late Major-general Sir Dudley Hill, K. C. B., commanding the Sirhind Division, in a letter, No. 153, dated the 19th of August 1850; but Mr. Edwards in passing on the General's representation to the Board of Administration at Lahore, recommended (28th August 1850) that it should be made over to the military department for the two following reasons; viz.

1st. Because it was required simply for convenience of communication between the two military cantonments of Kussowlee and Dugshai; and,

2d. Because the line passes through the districts of Bughat and Puttiala, the zemindars of which part of the country are already employed to so great an extent in constructing the new line of road between Simla and the plains, that any further call on them for labour would subject the people to considerable inconvenience and hardship.

If the new line from Dugshai be adopted as a part of the road from Simla to the plains, it will cease to be required simply for convenience of communication between the military cantonments of Dugshai and Kussowlee; and in respect of the second reason, I hardly see any possibility of the work being progressed satisfactorily under the military department, who are dependant on the hill districts for their labourers, if the demand for these men for the new road from Simla towards the plains, has been so great that no further call for their services can be justly made. The line of road has not been yet sanctioned in the military department. The Military Board, in their letter No. 5426, dated the

21st of November 1850, have simply directed that an estimate for repairing the road, as sanctioned by Government on the 30th of September 1850, may be submitted.

9. With respect to the new line of road in its entire length, proposed to be constructed by Lieutenant Briggs, *i. e.*, from the points E. to F. in the sketch, I am of opinion, if it can be opened for traffic for even twice the sum stated by him, *i. e.*, for 20,000 rupees, that it will be advisable to give it sanction; the saving of distance between Dugshai Hill and Simla will certainly be great, as the whole detour round the Chewa Range will be saved, and the troops will have the benefit of that portion which lies between Dugshai and the Gulkhur Huttee.

10. But for purposes of communication between Kalka and Dugshai, Lieutenant-colonel Napier's road, under any circumstances, has the preference, and it should be progressed to completion with all possible vigour. The whole of the upper portion, *i. e.*, from the Kossilla River to Dugshai, is finished (the small Kossilla Bridge excepted), and the earthwork on the Kalka side of the Kossilla may be completed in 2 $\frac{1}{4}$ or 3 months, as for this I have a sufficient sum of money at my disposal. The great obstacle has been and still is the blasting of a great mass of rock on which the 3d Company of Pioneers are engaged, marked P. in the sketch, and as their withdrawal would at once put a stop to our operations at this difficult point of the road, and entirely prevent the possibility of its being completed within any assignable time, I beg earnestly to request that the Governor-general will not accord his sanction to the withdrawal of the 3d Company of Pioneers from their present employ until the road on which they are at work shall be opened out for use.

11. The annexures of your letter under acknowledgment are herewith returned.

I have, &c.
(signed) *J. T. Boileau*, Lieut.-Col.
Superintending Engineer, N. W. P.

STATEMENT exhibiting the Particulars of Construction of Lieutenant-Colonel *R. Napier's* Road from *Kalka* to *Dugshai*.

LENGTH OF THE ROAD.

	Intervals.	Total Distance.
	<i>M. Y.</i>	<i>M. Y.</i>
From Kalka to the large bridge over the Kossilla River, between the villages of Kooraree and Kooramg - - - - -	6.0004	6.0004
From the large bridge over the Kossilla to a small bridge under the village of Deep - - - - -	6.0407	12.0411
From the small bridge to the Nahun road - - - - -	3.1220	15.1631
From the Nahun road to the boundary of cantonments at Dugshai -	0.1433	16.1304
From the boundary to the four cross roads in centre of cantonments	1.0340	17.1644
From the four cross roads to the parade - - - - -	.1700	18.1584
Total Distance - - -	18.1584	—

GRADIENTS.

	Intervals.	Total Lengths.	Gradients.	Rise in Feet.	Total Rise.
	M. Y.	M. Y.			
From Kalka to the large Kossilla Bridge - - -	6.0004	6.0004	2 1/2 in 100	792.3	792.3
From large Kossilla Bridge to 11th mile - - -	4.1756	11.0000	4 in 100	1055.5	1847.8
From 11th mile to 12 1/4 mile -	1.0440	12.0440	level - -	-	1847.8
From 12 1/4 mile to 13 3/4 mile -	1.0880	13.1320	7 in 100	554.4	2402.2
From 13 3/4 mile to 15 1/2 mile -	1.1320	15.0880	4 in 100	369.9	2771.8
From 15 1/2 mile to 16 mile -	0.0880	16.0000	7 in 100	184.8	2956.6
From 16th mile to four cross roads in cantonments - - -	1.1644	17.1664	4 in 100	408.5	3365.1
From four cross roads to parade grounds - - -	.1700	18.1584	0.78 in 100	40.	3405.1

WIDTH.

From Kalka, for about 8 miles, 18 feet, *i. e.*, roadway, 16 feet; drain, 2 feet.
The remainder (about) 1 1/4 miles, 16 " " " 14 " " 2 "

EXPENSE.

Expended up to 1st February 1851	- - about Co.'s Rs.	2,10,000
Wanted to complete, chiefly bridges	- - " "	30,000
Total - - -	Co.'s Rs.	2,40,000

TIME OCCUPIED.

Tracing commenced in June 1847, and opened out in October 1847. The earthwork may be completed in 2 1/2 or 3 months, but the bridges will take the greater part of a year to put up.

(signed) J. T. Boileau, Lieutenant-Colonel,
Superintending Engineer, N. W. P.

(True Copies.)

(signed) E. C. Bailey, Under Secretary to the
Government of India with the Governor-General.

(No. 92.)

LETTER from Lieutenant D. Briggs, Superintendent Hindoostan and Thibet Road, to Sir H. M. Elliot, K. C. B., Secretary to the Government of India with the Governor-General.

Sir, Camp in Dugshai, 8 March 1851.

IN continuation of my former letter, regarding an advantageous line for a road between Dugshai and the plains, I have the honour, after a close examination and survey, to submit for the consideration of the most Noble the Governor-general, the accompanying sketch, with the following remarks. My anxiety to avoid delay must be my apology for the roughness of the sketch.

2. The broad sienna line in the sketch represents the road under construction, by the superintending engineer of the division, between Dugshai and Kalka, the opening of which is delayed on account of certain works in the neighbourhood of the spots marked as "site of proposed bridge." These works, I am of opinion, will be expensive, and will occupy a considerable time in construction.

3. I am informed that his Lordship has been pleased to sanction the construction of a road between the military cantonments of Kussowlie and Dugshai. An unbroken chain of hills extends between these stations, on which there are several obligatory points which leave no choice as to the best line for a road. That shown in the sketch by the double red line from A. to B., is the only one that can be adopted. It is, with the exception of a small portion, a perfect level. From points A. and B., the road must ascend to the two cantonments,

as shown by the blue lines, A. C. and B. D. The ascents, though considerable, will be practicable for laden animals.

4. The distance from A. to B. is about $4\frac{1}{2}$ miles. What I beg to propose for his Lordship's consideration is, that the new road from Simla to the plains might be made presently available, by extending one line from A. to meet the new road at E., and another from B., running down the Kussowlie ridge to meet the Dugshai and Kalka road at a point F., $4\frac{1}{2}$ miles distant from Kalka, which $4\frac{1}{2}$ miles are already nearly completed. The whole distance from E. to F. is 13 miles, of which the portion from A. to B. (or $4\frac{1}{2}$ miles), have already received his Lordship's sanction; the remaining $8\frac{1}{2}$ miles run through so favourable a country, that the cost of construction would not exceed 650 Company's rupees per mile, or 5,500 Company's rupees for the whole distance.

5. Should the superintending engineer of the division be unprepared to open, at once, the portion between A. and B., I could, with his Lordship's permission, do so simultaneously with the other portions at the rate of 800 rupees per mile, or 3,600 Company's rupees for the $4\frac{1}{2}$ miles.

6. Thus with an immediate outlay of 9,100 Company's rupees, I propose, within two months after receiving his Lordship's sanction, to render the whole line from Simla to the plains available for laden animals. I may state that in point of slope and distance, this line is superior to the road now constructing, being in no place steeper than $3\frac{1}{2}$ feet in 100; and from E. to Kalka, only $17\frac{1}{2}$ miles in length. By the present road this distance is 22 miles, a portion of which is at a gradient of 10 feet in 100.

I have, &c.

(signed) *D. Briggs,*

Superintendent Hindoostan and Thibet Road.

(True copy.)

(signed) *E. C. Bayley,*

Under Secretary to the Government of India,
with the Governor-General.

MINUTE by the Most Noble the Governor-General.

KALKA AND DUGSHAI ROAD.

THERE is one point in Colonel Boileau's letter* on which I would beg to have information at once.

He says, in para. 10, that if the Company of Sappers were removed, he could not finish the road within any assignable time. I would beg him to say what time he would assign for the opening of Colonel Napier's line of road between Kalka and Dugshai if the means he asks be given, and the Government should request that the work may be completed with all practicable speed.

27 March 1851.

(signed) *Dalhousie.*

(True copy.)

(signed) *H. M. Elliot,*

Secretary to the Government of India with the
Governor-General.

MINUTE by the Most Noble the Governor-General of India.

LINE OF ROAD FROM DUGSHAI, BY KUSSOWLIE TO KALKA.

SEND copy of Colonel Boileau's reply to Lieutenant Briggs. Observe, that at this stage I do not express any opinion of my own, but that there is enough in
Colonel

* From Colonel Boileau (3687), 24th February 1851.

Colonel Boileau's letter to impugn so gravely the accuracy of Lieutenant Briggs' calculations and estimates, that it disinclines me to sanction any further schemes until that letter can be refuted. The estimates for the completion of the road from Simla to Dugshai, both in respect of money and time, have been so wide of the actual result, that I do not consider myself justified in undertaking a fresh line of road till the completion of the first one shall have practically shown how much time and how much money will really be required for the construction of roads in the hills, under the system pursued in the Simla line.

29 March 1851.

(signed) *Dalhousie.*

(True copy.)

(signed) *E. C. Bayley,*

Under Secretary to the Government of India with the Governor-General.

(No. 153.)

LETTER from Lieutenant *D. Briggs*, Superintendent Hindoostan and Thibet Road, to Sir *H. M. Elliot*, K.C.B., Secretary to the Government of India with the Governor-General.

Sir,

Simla, 2 May 1851.

I HAVE the honour to acknowledge the receipt of your letter, No. 1030 of the 7th ultimo, enclosing a letter from the Superintending Engineer North-Western Provinces, on the subject of a new road from Dugshai to the plains, proposed in my letters Nos. 35 and 92, of the 4th of February and 8th of March.

2. Lieutenant-colonel Boileau condemns the transmission to the most Noble the Governor-general of statements put forth in my letter, derived from information which he declares to be incorrect. These statements have reference to the existing road between Dugshai and the plains (or Colonel Napier's), not to the new line proposed by me. They cannot, therefore, be said to impugn the accuracy of my calculations and estimates for that scheme. I frankly acknowledge my error in making any statements in a communication for the perusal of the most Noble the Governor-general, based simply upon information derived from others, although that information was received from practical men, whose authority might have been considered good.

3. Lieutenant-colonel Boileau endeavours to prove the inaccuracy of my statements regarding Colonel Napier's road, by showing that, if correct, the altitude of Dugshai must exceed that of the highest peak of the Chor Mountains.

This is an unfair deduction, as he must know that I could not have visited the road in question (as I stated in my letter I had done) without observing that the lower portions are so nearly level, as to render their gradient imperceptible. The entire ascent from Kalka appeared to be thrown into the last eight or ten miles; and this ascent, from my own observation and on the authority of officers who had visited the road oftener than myself, I stated to be generally at 10 feet in 100.

4. That I ought to have personally ascertained this, I am fully aware; but my own proper duties were too numerous to afford time for more than the measurement of the new line I proposed. I have since, however, had an opportunity of carefully taking the gradients of upwards of $3\frac{1}{2}$ miles of Colonel Napier's road, measured from the spot where the Hindoostan and Thibet road joins it. The following actual measurements show that Colonel Boileau in his statement has erred as greatly as I did in mine, and that my report was not so inaccurate as he declared it to be. Lieutenant-colonel Boileau makes it appear that no part of the road exceeds 7 feet in 100 in slope, whereas in the distances measured by me,—

84 feet have a gradient of from 10 to 11 feet in 100.						
660	-	ditto	-	ditto	-	9 to 10 „ 100.
1,504	-	ditto	-	ditto	-	8 to 9 „ 100.
4,789	-	ditto	-	ditto	-	7 to 8 „ 100.
5,237	-	ditto	-	ditto	-	6 to 7 „ 100.
5,918	-	ditto	-	ditto	-	5 to 6 „ 100.
908	-	ditto	-	ditto	-	4 to 5 „ 100.
475	-	ditto	-	ditto	-	3 to 4 „ 100.

That

D 2

That is, 7,037 feet, or upwards of one-third of the distance measured has a greater slope than 7 feet in 100.

5. It is not for the purpose of cavilling at Colonel Boileau's statements, or censuring Colonel Napier's road, that I have prepared this table of gradients, or instituted a comparison between the two lines of road; it is solely that the great advantages derived from the easy slope of the Hindoostan and Thibet road may not be entirely nullified by its junction with one on which there are such gradients as 9 and 10 feet in 100; for although there may be but 100 yards so steep, it is sufficient to prevent the carriage of loads, whose weight upon the easier gradients would not be too great for the draught power.

6. As the sketch submitted with my letter, No. 35, was drawn merely to give his Lordship an idea of the direction of the proposed line, I am not surprised that Colonel Boileau found it incorrect when proved by the compasses. Had I possessed a plan of Colonel Napier's road, I should not have represented it in my sketch by dotted lines, which are generally used to represent objects whose positions are undetermined; nor should I have committed the error so severely commented on by Colonel Boileau, of stating it to have been 20 miles in length when it was only 18.

7. These errors all arose from my eagerness to facilitate with all possible expedition, the communication between Simla and the plains, and to obviate for the future the necessity of employing coolies for the conveyance of loads. They will not, I trust, be viewed by his Lordship in the harsh light thrown upon them by Colonel Boileau, as my intention in submitting the proposition could have no other aim but the public good. I still maintain, that in every way the new line proposed by me is the most advantageous that can be selected, and that unless it be adopted as the extension of the Simla and Dugshai road to the plains, no carriages will ever be used in the transport of loads. Beasts of burden will even experience difficulty in ascending a slope of 7 feet in 100.

8. I regret to learn from the 2d para. of your letter, that the most Noble the Governor-general considers the actual results obtained upon the Dugshai and Simla road to be so wide of the estimates, both in respect of money and time, that he does not consider himself justified in sanctioning more schemes for hill roads at present. I beg respectfully to submit, that in a work of this kind, the time occupied in its completion must entirely depend on the number of labourers employed. In my estimate, dated 21st December last, I calculated that 2,078 labourers would be required for 104 working days, to complete the road from Simla to Dugshai to a breadth of 12 feet, and that the necessary outlay would be about 23,000 Company's rupees. The following statement will show his Lordship, that the number of labourers whose attendance on the works the authorities have been able to command, is far short of that I calculated upon; and that at present, I have every prospect of effecting a saving both in money and time on the estimate.

STATEMENT.

Number of working days from 1st December 1850 to 21st April 1851 - 91.
 Average number of labourers per diem during that period - - - 1,868.
 Expenditure on estimate up to 21st April 1851, about - - Co.'s Rs. 12,647.
 Length of road remaining to complete on the 21st April 1851, about - 6 $\frac{1}{2}$ miles.
 Probable period of completion, including bridges - - - 1st June 1851.

I have, &c.

(signed) *D. Briggs*, Lieutenant,
 Superintendent Hindoostan and Thibet Road.

(True copy.)

(signed) *E. C. Bayley*,
 Under Secretary to the Government of India
 with the Governor-General.

MINUTE by the Most Noble the Governor-General.

DUGSHAI ROAD.

1. ACQUAINT Lieutenant Briggs that my observations on the new road did not apply exclusively to the period of his direction.

Making every deduction for the considerations stated by Lieutenant Briggs, the road has not been finished for the money or in the time that was originally anticipated.

2. Address Lieutenant-colonel Boileau; state that I have received Lieutenant Briggs' reply on his observations. I do not desire to have a controversial correspondence entered upon, I therefore do not transmit the letter to Colonel Boileau; but as he and Lieutenant Briggs are not agreed as to measurements and gradients, I request that he will instruct the officer in charge of the Dugshai Road to send me a plan and section, showing measurements and gradients on the work accurately.

This work cannot have been so long in hand without sections of this kind being prepared, I expect accordingly to receive them forthwith.

I request Colonel Boileau to state when the officer in charge of that road will have the road from Kalka to Dugshai ready for use.

7 May 1851.

(signed) *Dalhousie.*

(True copy.)

(signed) *E. C. Bayley,*

Under Secretary to the Government of India
with the Governor-General.

(No. 111.)

LETTER from Lieutenant-Colonel *J. T. Boileau*, Superintending Engineer North-west Provinces, to Sir *Henry Elliot*, K.C.B., Secretary to the Government of India with the Governor-General, Simla.

Sir,

Umballa, 8 May 1851.

IN continuation of my letter No. 4636, dated the 30th April 1851, I have the honour of stating, for the information of the most Noble the Governor-general, that I inspected the road from Kalka towards Dugshai, as far as the point where it crosses the Kossilla River, on the 6th instant, and beg to report as follows:

2. The earthwork of this portion of the road is so far advanced as to give reasonable expectation that it will be completed by the setting in of the ensuing rains, *i. e.*, in about six weeks.

3. The particular portion of a rock, on the reduction of which, by gunpowder, Captain M'Mullin's Company of Sappers were employed, as reported in the 10th paragraph of my letter No. 3687, dated 24th February 1851, to your address, has been transferred to a gang of coolies, and is now under process of reduction by pick and lever, and will be brought down to the road level (nearly 35 feet) at the same time as the earthwork will be completed, *i. e.*, about the middle of June 1851.

4. There remain still two masses of rock at the crossing to be removed before the bridge can be set up to complete the communication between the right and left banks of the river, estimated by Captain M'Mullin as follows; viz.

On the right bank, hard rock, 360,000 cubic feet. On the left bank, rock of a more friable description, 800,000 cubic feet. The former would, at the ordinary rate of progress made by the Company of Sappers at work, viz., about 30,000 cubic feet per month, occupy them at least 12 months; the latter Captain M'Mullin thinks he could dispose of at the rate of 50,000 cubic feet per month, or 16 months for the work on the left bank of the river, on which he is at present engaged.

5. No specific project has been submitted for bridging the Kossilla, or for making the immediate approaches to the bridge on the right bank. I am of

opinion, from a careful inspection of the locality, that it will not be necessary to blast the face of the rock down to form the roadway, but that it may be done more expeditiously with equal efficiency, and at a less expense, by a system of bridges thrown from ledge to ledge along the face of the precipice. This work, however, could not, under any circumstances, but especially under present superintendence, be completed before the latter part or end of the year 1852, *i. e.*, not within twenty (20) months from this date. Captain Anderson's state of health is such as renders him incapable of undergoing much exertion or exposure at the present time, while the duties of the 12th Division Public Works, though somewhat lighter than they have been, are still greatly beyond what it is in the power of one officer to discharge, either with satisfaction to himself or his superiors, or with due regard to the interests of the public service.

6. I would beg leave to observe, that before the outbreak at Mooltan in 1848, three Companies of Pioneers were employed upon the road between Kalka and Dugshai, and that on the return of the troops to the provinces, after the close of the Punjab war, I applied to his Excellency the Commander-in-chief, through the Quartermaster-general of the Army, for the services of two Companies of the corps, to be again employed in blasting the rocks on the lower portion of the road. One company only was, however, sent, and the large quantity of rock which still remains to be removed is attributable mainly to this circumstance.

I have, &c.

(signed) *J. T. Boileau*, Lieut.-Col.,
Superintending Engineer, N. W. Provinces.

(True copy.)

(signed) *E. C. Bayley*,
Under-Secretary to the Government of India
with the Governor-General.

(No. 191.)

LETTER from Lieutenant-Colonel *J. T. Boileau*, Superintending Engineer, North-western Provinces, to Sir *Henry Elliot*, K. C. B., Secretary to the Government of India with the Governor-General, Simla.

Sir,

Umballa, 14 May 1851.

I HAVE the honour of acknowledging the receipt of your letter No. 1408, dated the 10th of May current, and, in reply, of informing you that I have this day directed the executive engineer of the 12th division to forward to you forthwith, for submission to the most Noble the Governor-general, a plan and longitudinal section of the road from Kalka to Dugshai, with distances and gradients correctly delineated; also to report immediately to you when he will have the road open for use.

2. My letter No. 111, dated the 8th instant, to your address, contained a report of the earliest date on which, in my opinion, it is probable that the road from Kalka to Dugshai can, under any circumstances, be opened. Captain Anderson's health is so indifferent that he cannot give personal attention to the works; and to ensure the completion of the road, including bridges, by the end of the year 1852, it would be desirable, if not absolutely necessary, that the work be placed under the independent superintendence of an active and practically experienced officer.

3. I omitted to notice, in my former communication, that a bridge will be required over the stream which disembogues from the hills at Kalka, and which, after heavy rain, becomes in a few minutes an impassable torrent.

I have, &c.

(signed) *J. T. Boileau*, Lieut.-Col.,
Superintending Engineer, N. W. Provinces.

(True copy.)

(signed) *E. C. Bayley*,
Under-Secretary to the Government of India
with the Governor-General.

(No. 32.)

LETTER from Captain *J. Anderson*, Executive Engineer, 12th Division, P. W.,
to Sir *Henry M. Elliot*, K. C. B., Secretary to Government of India.

Executive Engineer's Office, 12th Division, P. W.,
Umballa, 14 May 1851.

Sir,

LIEUTENANT-COLONEL BOILEAU, superintending engineer, having forwarded a copy of your letter No. 1408, dated 10th May 1851, to his address, and directed me to address you direct regarding the gradients of the Dugshai and Kalka Road, I have the honour to state for the information of the most Noble the Governor-general, that the whole of the line of road was traced out, and the excavation of portions of it in progress previous to my receiving charge of the Sirhind Division; and this having been done by Lieutenant-colonel Napier, assisted by Lieutenant H. Drummond, of the engineers, I considered the line fixed, and that my only duty was to excavate it the requisite width; and consequently no longitudinal section was taken by me. I am therefore unable to supply the sketch called for at once, but I shall take steps to have the slope of the road carefully taken, and a section forwarded to you, with as little delay as possible.

I beg, in addition, to state that in widening out the road, a gunner's quadrant was used by the overseer, and the result, as well as I can recollect, agreed generally with the information regarding the gradients I received when I assumed charge of the division, and which was, I believe, embodied in a letter from the superintending engineer to your address.

With regard to the date of the completion of the road, I beg to state that it will be open for laden cattle passing the places where the bridges are to be, by temporary road, in all next month; but I am unable to state when the road, bridges and all will be completely finished, as it depends upon the time it will take the Company of Pioneers to blast away the rock on both sides of the Kossilla River, where the large bridge is to be, and where a great deal of blasting remains to be done. I have called upon the officer commanding the Company of Pioneers to state, as nearly as he can, when he thinks that his company will be able to finish the work, but have not yet received his reply.

I have, &c.

(signed) *J. Anderson*, Captain,
Executive Engineer, 12th Division, P. W.

(True copy.)

(signed) *E. C. Bayley*,
Under Secretary to the Government of India
with the Governor-General.

LETTER from Lieutenant *D. Briggs*, Superintendent of Hindoostan and Tibet Road, to Sir *H. M. Elliot*, K. C. B., Secretary to the Government of India with the Governor-General.

Sir,

Simla, 21 May 1851.

I HAVE the honour to acknowledge the receipt of your letter No. 1407, of the 10th instant, intimating that the most Noble the Governor-general has remarked the discrepancy, in point of money and time, between the estimates submitted for this road and the actual results obtained. I beg to offer a few remarks on the chief causes of this discrepancy.

2. When the estimates were under preparation, my predecessor and myself were led to expect that a certain number of labourers from each of the Hill States would be regularly furnished for the construction of the road: some of these were to receive pay, others were to give tribute labour. It was believed that when instructed in the use of the tools placed in their hands for the first time, the hill men would, from their superior physical power, prove at least equal to the labourers of the plains; and that they might have every inducement to work well and willingly, a system of weekly payments was introduced, that they might, as speedily as possible, reap the reward of their labours; thus we

thought ourselves warranted in estimating the labour of each hill man as equivalent to that of the plains man.

3. Scarcely had operations commenced when it was found that no regularity was observed by the native chiefs in the supply of labourers. Parties were relieved, or left the works at their own pleasure; gangs that, after much trouble, had been instructed in their duties, were relieved at the moment we hoped to reap the benefit of such instruction, by others as ignorant as they had been on their first arrival. Ignorant not only as to the use of our implements, but ignorant as to the language and wishes of our overseers and sepoys; unaccustomed to control, they obeyed no orders but when accompanied with a threat of punishment, and then performed them with sulkiness and inertness.

4. The parties were separated into working gangs, and placed in charge of an officer to whom an adequate number of tools were given. For the first few days the attendance of labourers was generally regular; then parties of 20, 30, and 50 would leave the works until perhaps not one-fourth of the gang remained, during which time tools lay unemployed, overseers idle and disheartened, and the work almost at a stand-still.

When at last the numbers were down to so low an ebb that the native chiefs (threatened by the Superintendent of the Hill States) became alarmed, a large influx of wild hill-men was poured upon the road, a sufficiency of tools was wanting for so great an increase, and could not be procured at a moment's warning; the mass was utterly ignorant of the work required of them, and the overseers, for a time, perfectly at a loss how to place them. After much loss of time, order might be again restored; the parties began to understand what was required of them, and work progressed as it ought, when the same system of desertion, or frequent relief, again interrupted it, and frustrated the hope of its speedy completion which temporary success had raised.

5. I beg his Lordship to believe that I am not describing a solitary case, but a system which has most materially affected the work since its commencement. This very day I have received reports from two officers, one intimating that he has only 40 men present out of a party that should be 200 strong, and the other, that an entire gang of 300 men have deserted during the night. Of the labourers furnished by the native states, it is notorious that the greater number consist of either old men or children; incapable of doing work at home, they are sent to fill up the quotas required for the road. On my last tour of inspection to Dugshai, I selected from a party of 350, between 40 and 50 men so old as to be unable to lift the larger-sized tools, and a similar number of children under 10 years of age.

6. It is my firm conviction that the road might have been constructed in one-half the time, and with one-half the number of labourers, could we have availed ourselves of regular workmen, similar to those employed on the plains.

I have, &c.

(signed) *D. Briggs,*

Superintendent Hindoostan and Tibet Road.

(True copy.)

(signed) *E. C. Bayley,*

Under Secretary to the Government of India,
with the Governor-General.

MINUTE by the Most Noble the Governor-General of India, dated
9 February 1852.

THE HILL ROAD.

1. As it is my intention to bring forward the subject of the road from the plains towards the Thibet frontier as a whole, I confine myself now to the single point discussed by the Board.

The road from the plains to Simla has been nearly, not quite completed. From Simla, the road has been surveyed, and partially executed as far as Chini,
some

some 120 miles. The greater portion of this beyond Simla is in the territory of the Rajah of Bissahir. By his treaty he is bound to make roads, everywhere four yards wide, through his territories at his own cost. But as this road, preserving a gradient which nowhere exceeds three feet in the 100, necessarily is carried across cliffs, and over difficult ground, and consequently would be more costly to him than an ordinary track, though not actually costly in itself; it seems fair that he should be relieved of part of the expense in the manner proposed by the Board. But it is to my knowledge quite essential that the Board should take stringent measures to ensure, that the number of labourers whom the chiefs are required to furnish, should be actually supplied. Lieutenant Briggs, the very able and valuable young officer who has conducted this work in a manner most creditable to his skill and indefatigable energy, has had most discouraging difficulties to contend with from the negligence of the chiefs in this respect; and the Board are requested to fix the number that is to be supplied, and to lend the weight of their authority to the enforcement of that supply for Lieutenant Briggs' use.

(signed) *Dalhousie*, 9 February 1852.

J. H. L., 10/2.

F. C.

J. L.

(No. 33.)

LETTER from Lieutenant *D. Briggs*, Superintendent Hindostan and Thibet Road, to Sir *H. M. Elliot*, K.C.B., Secretary to the Government of India, Foreign Department, Calcutta.

Sir,

Simlah, 23 February 1852.

I HAVE the honour to submit, for the information of the most Noble the Governor-general, the progress report of the Dugshai Road up to the 31st January 1852.

2. The expenditure up to that time has been 8,850 Company's rupees, and the work executed has been nearly 5 miles of 12-feet road, and $3\frac{1}{2}$ of 6-feet road. The amount of my former estimate, 8,500 Company's rupees, has thus already been exceeded in the construction of only two-thirds of the work.

3. The impossibility of forming a correct estimate of the cost of excavations in a hill country, where the person estimating can only form his judgment from the nature of the exterior formation, induced me to take the results obtained on the Dugshai and Simla Road as the basis of my estimate for this work, when the nature of the country was similar.

4. With the same means as were employed on the Dugshai and Simla Road, I have no doubt but that my estimate for the new work would have been a correct one; but on its completion, it was deemed expedient by the political authorities to dispense with the labour of the hill people, who had been employed in its construction. Deprived of their services, I was forced to send to the plains for labourers. With difficulty I succeeded in inducing some 800 to take service; to these I was obliged to promise a rate of pay higher than the hill-men had received, and twice as high as the usual rate of wages current in the plains. For some time I hoped that, incited by high wages, they would work with corresponding energy; but in this I was wholly disappointed; I found them not only excessively indolent, but physically unable to compete with the hill-men in quantity of work. Thus less work cost more money, so that the rates obtained on the new work soon greatly exceeded those of the Dugshai and Simlah Road.

5. I have consequently stopped the works, pending his Lordship's orders on the subject, and in the hopes of hill-men being again furnished for these hill roads. With them I feel quite certain of being able to complete the remainder of the Dugshai and Kussowlee Road for a further sum of 4,000 Company's rupees; this will include all bridges and culverts.

79.

E

6. I trust

6. I trust his Lordship will believe that nothing has been wanting on my part to obtain the greatest amount of work at the smallest outlay, but that with the labourers I had to deal with the unfortunate result was unavoidable.

I have, &c.
(signed) *D. Briggs,*
Superintendent Hindoostan and Thibet Road,
Hindoostan.

HINDOOSTAN AND THIBET ROAD.

Dugshai and Kussowlee Branch Progress Report, from Commencement of Work up to 31st January 1852.

	Road opened		Remaining to open		Number of Coolies employed since the Commencement.	Number of Artificers employed since the Commencement.	Average Number of Labourers per Mile on 12-foot Road.	Average Number of Labourers per Mile on 6-foot Road.	Amount Paid to Labourers.	Amount Paid to Artificers.	Expenditure on Material.	TOTAL EXPENDITURE.
	to 12 Feet.	to 6 feet.	to 12 Feet.	to 6 Feet.								
Dugshai and Kussowlee Branch -	M. f. y.	M. f. y.	M. f. y.	M. f. y.					Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.
	4 7 201	7 7 39	3 4 168	- 5 110	50,777	120	6,642	2,115	7,934	888	28	8,850

Hindoostan and Thibet Road Office, Simlah, }
23 February 1852.

D. Briggs,
Superintendent Hindoostan and Thibet Road.

MINUTE by the Most Noble the Governor-General of India, dated 9 March 1852.

DUGSHAI, OR KUSSOWLEE ROAD.

1. THIS road is one distinct from the hill road between Simla and the plains, and would be required as a road to join the military stations of Dugshai and Kussowlee if the other road had no existence.
2. Send a copy of this letter to Board of Administration ; state that there is no wish on the part of the Government to require the chiefs to make these roads under their treaties ; but I am quite unable to understand why aid should be withheld from Lieutenant Briggs in obtaining hill labour which shall be paid for by the Government.
3. I regard these roads as of great value ; and the Board will be so good as to give their aid in obtaining labour for the completion of the road without the frequent interruptions which the several references of the officer in charge have shown that he has met with.
4. Lieutenant Briggs may be told to complete that section of road. It is impossible for him, or anybody else, to estimate with accuracy such hill works.

(signed) *Dalhousie.*

No. 80.

LETTER from Lieutenant *D. Briggs*, Superintendent of Hindoostan and Thibet Road, to the Secretary to the Government of India Foreign Department, Calcutta; dated Simla, 16 April 1852.

Sir,

1. The Board of Administration for the Affairs of the Punjaub having intimated to me the sanction of the most Noble the Governor-general in Council to my proposal for the payments of all labourers employed on the Hindoostan and Thibet Road, on the condition that one moiety of the expense is borne by the hill chiefs, through whose territories the road runs, and who by their treaties with the British Government are bound to construct roads four yards wide without any remuneration; I have the honour to request the authority of the most Noble the Governor-general in Council to draw upon the Financial Department of the North Western Provinces for such sums as are required for the payment of the labourers.

2. As the Board are of opinion that the present demand must be limited to somewhat less than 1,000 labourers, a monthly assignment of 3,000 Company's rupees would, I think, cover all expenses. The exact amount expended would of course be shown in the monthly progress report; should the Board see fit to grant me a larger number of labourers, a larger monthly assignment would become necessary.

3. As the accounts connected with this body of labourers furnished from 21 different states, require that constant attention which, if the duty devolved upon me, would leave me without leisure to superintend the road operations, I earnestly solicit the sanction of the most Noble the Governor-general to the permanent appointment of Mr. Graham to the office of accountant to the road, on a salary of 300 rupees per mensem.

In September 1850 his Lordship was pleased to sanction the temporary appointment of Mr. Graham to the office of accountant to this road, on a salary of 150 rupees, that being the moiety of his pay as assistant in the office of the accountant of North-Western Provinces, which he lost by being on sick leave at Simla. On the 5th of December 1851 Mr. Graham's leave expired, and the salary of his substantive appointment ceased. As Mr. Graham has afforded me much satisfaction in the discharge of his duties, I solicit the authority of the most Noble the Governor-general in Council to his appointment from the 6th of December 1851, the date on which he ceased to draw pay from the accountant of North-Western Provinces.

I have, &c.

(signed) *D. Briggs*,
Superintendent Hindoostan and Thibet Road.

MINUTE by the Most Noble the Governor-General of India, concurred in by the Members of Council.

SIMLA HILL ROAD.

1. As the working season has commenced I think this advance for the hill road beyond Simla may be sanctioned.

But although it is quite impossible for Lieutenant Briggs or anybody else to give an accurate estimate of the cost of this work, some approximate calculation may be made.

I would therefore require Lieutenant Briggs, without delay, to send such calculation, in as much detail as possible, in order that the Government may know what still remains to be done.

2. Request Lieutenant Briggs to state in reply to this letter, what he is doing regarding the line of road between Dugshai and Kalka, which had not been fully surveyed at the close of last season, but which is necessary to complete the new road from Simla to Kalka.

(signed) *Dalhousie*, 5 May 1852.
F. Currie, 6 May 1852.
J. Lewis.

LETTER from Lieutenant *D. Briggs*, Superintendent Hill Roads, to *C. Allen*, Esq., Officiating Secretary to the Government of India, Fort William; dated Simla, 1 October 1852.

Sir,

In obedience to the commands of the most Noble the Governor-general, conveyed to me in your letter of May last, I have the honour to enclose my report on the Hindoostan and Thibet Road up to the current year.

I have, &c.
 (signed) *D. Briggs*,
 Superintendent, Hill Roads.

REPORT on the *Hindoostan* and *Thibet* Road, and *Dugshai* and *Kussowlee* Branches for 1852; dated Simla, 1 October 1852.

1. As it is the desire of Government to obtain an approximate estimate of the cost and time which are still required for the completion of the Hindoostan and Thibet Road, and as such can only be deduced from the data afforded by previous operations in consequence of the nature of the work, and as no detailed account of such operations has yet been laid before the Government, this appears to me a fit opportunity to describe, with as little prolixity as possible, the operations of the last two years, that Government may not only fully understand what has been done, but be enabled to judge of the soundness of my views regarding the future.

2. Early in the year 1850 a variety of circumstances combined to attract the attention of the most Noble the Marquis Dalhousie, Governor-general of India, to the oppressive practice of "begar," or forced labour, prevalent in the Hill States lying on the outer spurs of the Himalayahs, between the rivers Jumna and Sutlej.

3. This species of serfdom had been from time immemorial general throughout the little principalities lying within this tract of hill country, and was doubtless introduced, in the absence of all other means of taxation, as a substitute for revenue. As long as the chiefs of these states were dependent on their subjects for support, and only safe, through their help, from the encroachment of their warlike neighbours, the bond of union between them was such as to insure the subject a certain amount of consideration from his chief, else would the subject transfer his allegiance to another and more politic master.

4. Since, however, the British Government extended its protection to these states in 1815, the balance of power has been gradually drawn out of the hands of the subject, as he ceased to contribute to the chief's safety and support, these being sufficiently guaranteed by the paramount power of the British Government. From that time the subject has been gradually descending to a state bordering upon slavery, inasmuch as his time, his property, and his freedom, are entirely at the disposal of his master.

5. Although loud in their complaints to strangers who visit their villages, yet, sometimes a patriotic feeling which renders them unwilling to complain of their liege lord; sometimes a dread of further punishment, but generally a dislike to our courts, deters them from making their hardships officially known. When, however, they do complain, the system of our political relationship with their chiefs leaves the superintendent, in most cases, no choice but to refer the appellant to the chief against whom his complaint lies, with what hope of justice I need not say.

6. Thus

6. Thus "begar," or unremunerated and forced labour, as the term implies, is a system of the internal government of the Hill States.

7. When the Sanatoria of Simla, Subathoo, Kussowlee and Dugshai were established, great and continuous was the demand for labour in all shapes. Thousands of porters were yearly required for the conveyance of Government establishments, invalids, and their numerous servants; troops and camp followers; supplies and merchandise from the plains to the Sanatoria; and thousands were again required a few months afterwards to convey the same down again.

8. Barracks were required for the troops, hospitals for the invalids, and materials for their construction could not be found nearer than 15 or 20 miles. On men's backs alone could each article be transported, from the huge puncheon of commissariat rum to the lightest wares of the petty dealer, from the massive pine beams cut in the forest of the loftiest mountains, to the iron ore dug from the caverns of the deepest valleys.

9. To assist in these laborious tasks the people of the plains were found to be perfectly unfit. The long, steep, rugged ascents, and the narrow tortuous foot-paths of the hill-men were scarcely practicable to them, unladen, wholly impossible when burthened with 50 lbs. the usual load of a hill cooley. Thus the whole duty fell upon the scanty population of the Hill States, and heavy and grievous was the burthen.

10. "Begar" was claimed by their own chiefs. "Begar" was an obligation they owed us by their treaties of 1815, and although to the credit of our Government be it said, they never were called upon to work without receiving remuneration, yet what amount of wages would remunerate a man for being dragged against his will from his home and family without warning, without consideration (for what Government native official has consideration when armed with his master's warrant) to a distance of many days' journey, there to wait many days without shelter, without his usual food, until his services were required; then to be laden as a beast of burden, to be insulted, to be buffeted by the low dependants of an European master until the time of his slavery was accomplished, and he was suffered to depart with a sore heart and wounded feelings to his distant valley, there, perhaps, to find that seed time or harvest had passed during his absence, and no provision been made for the future subsistence of his unhappy family?

11. Besides the cruelty of this system, it was the most expensive that could possibly be devised. I have learned from the Superintendent of the Hill States that the sums disbursed by Government establishments since 1820 to and from Simla and the plains amount to 7,00,000 Company's rupees.

12. To the officers and servants of the Government who visit Simla yearly for their health, or on duty, an average about 500 families in number, the average cost of a trip up and down may be stated at 200 rupees. The yearly expenditure on this head is, consequently, not less than 1,00,000 rupees. The expenditure since Simla became popular not less than 14,00,000 rupees.

13. The cost of the transit stores and supplies for the same distance averages about three rupees per hundred weight. The same is about the cost of transporting military and commissariat stores to the military station of Jutog.

14. The cost of the barracks for one regiment at the Dugshai Sanatorium has amounted, I understand, to 4,50,000 rupees. Taking the same sum as the cost of the two other Sanatoria of Subatho and Kussowlee, which are each calculated to afford accommodation for one wing, and 1,00,000 rupees for other structures, the expenditure on public buildings within the Hill States has not been under 10,00,000 rupees.

15. From personal experience, I may venture to state that the chief item of expense attendant on these constructions were on account of wood and lime; and yet there is no country in the world where wood and lime are more abundant. Two-thirds of the cost of these materials are generally absorbed in carriage, although the distance from which they are brought may not exceed 15 miles.

16. Had the employment of any other description of carriage been possible, the saving on the

First count to Government would have been					
two thirds, or	-	-	-	-	4,50,000 Co.'s rupees.
Second count to the public two thirds, or	-				9,00,000 „ „
Third count no means of determining, but at least two thirds of expenditure.					
Fourth count ditto ditto.					
Fifth count to Government would have been					
one third, or	-	-	-	-	3,30,000 „ „
Total saving to the Government	-	-	-		7,80,000 „ „
Ditto to the public	-	-	-	-	9,00,000 „ „

It will be shown hereafter that for this sum upwards of 400 miles of road passable for vehicles could have been constructed.

17. It will be supposed that the influx of such large sums of money within a limited period must have tended to enrich the population, and so reconciled them to the evils of "begar;" but the system of our political relations with the states allows of an *imperium in imperio*, and thus deprives the labourer of any protection against tyranny and malpractices of the native authorities of his state. The consequence is that no amount of care on the part of the disbursing officer insures the labourer the possession of the wages paid to him. I have been assured by the Superintendent Hill States that on one occasion when he had a large sum to disburse to subjects of the Hindoor State, he attended himself as paymaster and saw the money put into each man's hands, notwithstanding which he afterwards discovered that the kandars of the state took from the unfortunate men all that he had disbursed to them.

18. There was thus only one way (without giving up these Sanataria, so beneficial and necessary to the British in India) of obviating this crying evil of "begar," and that was the construction of roads that would admit of the transport of baggage on four footed animals or carts, and thus render the agency of human beings in employments so degrading, unnecessary.

19. In 1850, the most Noble the Marquis of Dalhousie publicly expressed his desire to accomplish this humane and highly important matter, and with a view thereto sanctioned the commencement of this road, which, leaving the plains in the neighbourhood of Kalka, 30 miles from Amballa in the Cis-Sutlej States, should ascend to Simla, having branch lines to the stations of Dugshai and Kussowlee.

20. Mr. W. Edwards, then Superintendent of the Hill States, had been highly instrumental in laying before the Government the evils of the "begar" system. He had further exerted himself in following up some hints he had received as to the existence of a trade between China and Europe by way of Ladak on the Indus, and finding on further inquiry that his anticipations were fully verified, he submitted to the Governor-general the project of opening up the commerce between Hindoostan and Central Asia, by means of a road through the temperate and picturesque valley of the Sutlej to Ladak, the only line which remains open throughout the year.

21. By the treaties of 1815, it was expressly provided that in consideration of the protection afforded by the British Government to the chiefs of the Hill States, they should take upon themselves the construction of all roads the British Government might find requisite. The fulfilment of these stipulations had not been exacted since the date of the treaties, and it was now thought a favourable opportunity of bringing them into operation, especially as the labourers of the plains could not be induced to take service within the hills. Indeed, upon trial, they were found physically unfit for the work required of them.

22. Great care was taken by the Superintendent of the Hill States that, in demanding assistance from the several protected states, the quotas should be strictly regulated by the extent of population of each contributing state. This will

will be sufficiently evident by an examination of the table in the margin,* when it is shown that no state was called upon to furnish more than two per cent. of its population.

23. It was of course understood that the chiefs should contribute towards the support of their respective gangs of labourers whilst employed on the work, and thus, considering the protection they had received for 35 years, and the immunity from the terms of their sunuds they had enjoyed for the same period, was surely not expecting too much of them.

24. As these sunuds gave a claim to the British Government to a supply of labour beyond the limits of each respective state, and as from the fact of the line of road running as direct as possible between two given places, it lay within comparatively few states, on whom it would have been unfair to impose the whole burden of the contemplated work, an arrangement was entered into with the states lying on either side beyond the line of road to afford assistance to those within whose boundaries it lay,† in equal proportion according to their extent and population, with this proviso that all labour so performed beyond the limits of the labourer's own state, should be paid for by the British Government at the market rate of the day.

25. But as it would have been a continuation of the worst feature of the "begar" system to have brought the hill-men long distances from their homes, even although they were paid, it was determined with a view to obviate this by employing the inhabitants of the northern districts within their own boundaries, and at the same time to open up the commerce of Central Asia with Hindoostan to carry on the upper portion of the line of road through the Himmalayahs from Simla to Ladak, simultaneously with that portion between the plains and Simla.

26. Thus the Government were enabled to avail themselves of the assistance of the inhabitants of the "far North States," as well as that of those lying on the skirts of the mountains, without imposing on either the hardship of proceeding to any great distance beyond the limits of their own states.

27. While matters were thus in process of arrangement, and before operations had been commenced, Major J. P. Kennedy, Military Secretary to the Commander-in-Chief, an officer of great talent and European reputation as an engineer, proffered his services as temporary superintendent of the new road.

28. The principles on which this officer desired to conduct the duties of superintendence, had for their especial object the two following results:

1st. The best mathematical line of road with especial reference to levels.

2d. The construction of the same, at the smallest possible cost.

29. His first care was to obtain accurate information regarding the country through which the proposed road was to run. Reserving to himself the examination of the country, to a distance of 40 miles on either side of Simla, he deputed me to examine and report on the country beyond, towards Thibet. The result of our examination was that no condition of the first principle need be vitiated, but that from the difficult nature of the ground, the second principle would be considerably affected by the scrupulous observance of the first.

30. To

*					
STATE.	Population.	Quotas demanded for Road.	STATE.	Population.	Quotas demanded for Road.
Bussahir - - - -	150,000	500	Koomarhsen - - - -	12,000	200
Bagul - - - -	40,000	50	Konyar - - - -	2,500	10
Bujjee - - - -	25,000	50	Kothar - - - -	4,000	20
Burrowlee and Bughat -	5,000	100	Kotkai - - - -	5,000	100
Bulsun - - - -	5,000	50	Maugul - - - -	1,000	40
Dhamie - - - -	3,000	20	Mylog - - - -	13,000	400
Hindoor - - - -	50,000	200	Putteealla - - - -	40,000	400
Joobal - - - -	15,000	200	Sirmoor - - - -	77,000	300
Kyloor - - - -	50,000	200	Turroch - - - -	3,000	50
Keunthul - - - -	14,000	250			

† The population of which were equally interested with that of the others in effecting the abolition of "begar."

30. To those who have examined the Himmalayahs, it will be known that they conform to a system of river basins, and dividing ridges generally extending at right angles to the main chain of the Himmalayahs. Flanking each basin there exists two unbroken mountainous ridges of irregular height, which issuing from the highest peaks, enclose between them the drainage of all the intervening hills. The drainage thus confined flows towards the lowest level, and there forms a river. The river flows outwards towards the plains, the ridges continuing to flank it, and forming the water-shed line between it and the next river.

31. Thus they maintain their positions between each other, the ridges pushing out numerous spurs, between every two of which a tributary basin is similarly formed, and the river receiving the drainage of these basins within its increasing channel. The number of these spurs and tributary basins gives the contour of the Himmalayahs a confused appearance, but when the eye has become accustomed to their vastness, the regularity of the system is soon apparent.

32. As therefore there are deep courses to which the rills of the mountains are directed, and which form the lines of the large rivers, so are these corresponding parallel high ridges, from which these rills have their birth, and which presenting an unbroken base intersected by no watercourses, offer the best possible line on which to construct a roadway.

33. As stated above, however, the altitude of these ridges is irregular, that is, their outline consists of a series of rising peaks, and corresponding depressions. It is therefore apparent that if the road was made to follow the outline or crest of the ridge, it must conform to these rises and falls, and would consequently be not mathematically correct.

34. There are two methods of overcoming this difficulty, one by cutting down the peaks to fill the depressions, the other by passing round the impediments, and so avoiding them. The first is very expensive, and in the Himmalayahs wholly impossible. The second is less expensive, and easily practicable.

35. This, however, labours under two disadvantages; first, the increased length and tortuous course which is given to the road by passing round instead of cutting down impediments. Secondly, the necessary destruction of a portion of the hill, sufficient to afford a breadth of roadway, which thereby deprives a part of the hill side of its natural base, and renders the bank above the road liable to slip, and so fill up the roadway. The first of these, although not wholly remediable, is capable of considerable modification by the judicious construction of the road. The latter continues to exist only until the bank reassumes a slope which will admit of the earth remaining at rest.

36. On examination we ascertained that an unbroken ridge, such as above described, left the western extremity of the outer Himmalayan chain, and dividing the basins of the Sutlej and Pubur, terminated on the plains in the neighbourhood of Kalka. On the different parts of the crest of this ridge lay Simla, Dugshai, and Kussowlee, and on the tributary spurs Subathoo and Jutoy. The selection of the line was therefore simple. There could be no doubt in the matter, as far as the ridge continued of moderate elevation.

37. When after its junction with the main chain of the Himmalayahs, the ridge was lost amongst the lofty peaks, covered with perpetual snow, it became necessary to leave it, and passing round the western extremity of the chain below the line of perpetual congelation, to cross the Sutlej above Wangtoo, and thence enter the valley of Kunnuwur.

38. Having thus selected an unbroken base, running in the required direction, the laying out of the road was the next step. The points requiring in this operation were gradient, distance, and an economical selection of the ground to be traversed.

39. It has been shown that in order to preserve the roadway as nearly level as possible, impediments were avoided by passing round them. The lowest necks or passes on the ridge became therefore obligatory points, that is, in laying out the line, their respective elevations were of primary consequence. If these passes regularly increased in altitude from the plains as they neared the Himmalayan chain, there would have been no difficulty in laying out the line from
one

one to the other at a gradual ascent from the plains. But on the range in question there was found no such regular increase of elevation. The obligatory necks were as unequal in elevation as the peaks which rose between them.

40. On ascending from the plains the first obligatory neck met with was lower than the second, but higher than the third. The third was lower than the fourth, but the fourth was higher than the fifth; the sixth, seventh, eighth, ninth, tenth, and eleventh were in regular progression, but the twelfth was lower than the eleventh, and the thirteenth lower than either the eleventh or twelfth.

41. A truly correct mathematical line required that only the passes or necks which rose in regular progression should be considered obligatory, as otherwise the line would somewhere rise or fall unnecessarily; but it was found that unless a modification of this principle was allowed, the road would be enormously increased in length, in consequence of the greater number and extent of the inflections of the mountains below the crest of the ridge. The result was that the principle was modified to the extent of allowing an unnecessary rise and fall of 1,500 feet within a distance of 150 miles. This modification is so trifling as to be scarcely appreciable.

42. The maximum gradient at which it was determined to lay out the road was 1 in 33½, or 3 feet in 100. In two places have I thought it necessary, in order to save distance. At these places the slope is 1 in 25.

43. No permanent sacrifice of principle has been admitted for the sake of avoiding natural difficulties, such as precipices, deep ravines, &c.; but in future operations within the Himmalayahs, I recommend that this point should receive due attention, as not unfrequently a scarcely appreciable deviation from the true gradient will enable the engineer to escape difficult ground, and so effect a reduction of expenditure.

44. A few remarks on the geological formation of the line selected for the road are necessary to represent fully the nature of the difficulties which oppose the construction of a road yielding to no obstacles, and obeying no other laws than, such as contribute to the convenience of the traveller.

45. On leaving the elevated plain extending between the Suvalik range and the outer spurs of the Himmalayahs, which is composed of loose conglomerate and alluvium formed from the detritus of rocks, the line enters a series of friable sandstone, much indurated in parts, and lying in confused masses. The dip of the strata, where it can be observed, is from the northward, but approaching the vertical, in consequence of which the south side is precipitous, and when excavated for a roadway is liable to break away in huge masses. This continues for about three miles, when the line enters the basin of the Kossilla River and its tributaries, where the slope of the hills becomes less abrupt, so that many of the minor spurs have been reduced to terraces, for the purpose of cultivation. Other spurs are capped by masses of granite, and other inferior stratified rocks, forming hard and difficult walls through which to excavate a road.

46. As the line approaches the summit of the extensive ridge mentioned above, between the cantonments of Dugshai and Kussowlee, the slope of the hill assumes an angle of 45°, and their composition is generally of broken and detached masses of granite embedded in stiff clay, frequently intersected with walls of trap and beds of argillaceous slate, the two latter forming obstacles of considerable magnitude, from their excessive hardness and frequent occurrence.

47. Perched on the summit of the range at Dhurmpore, at an elevation of 4,900 feet, is an extensive mound of half-baked stratified rock, abounding with fossiliferous remains, especially shells of the *Spirifer Walcotii*, *Gryphæa obliquata*, *G. virgula*, *G. dilatata*, *podopsis truncata*, *turrilitis tuberculatis*, and other genera, which I have been unable to identify.

48. The Chuvah range of hills, north of Dugshai, through which it is proposed eventually to drive a tunnel, are chiefly of granite, which although presenting itself in many places in a precipitous form, is favourable to blasting operations, from its compact and brittle nature. Its fragments also afford the best description of materials for revetment walls, and such structures. Between

this and the Knole mountains, more than a distance of six miles, grassy knolls of clay slates, of various degrees in induration, composition and cleavage exist. Some of these are of a coal-black colour, producing a white efflorescence, others are ferruginous, and here and there others are displaced by beds of limestone.

49. The Knole Mountain is almost entirely composed of lime rock, full of fissures and caverns. Where masses have been thrown up above the surface, they are of fantastic appearance and highly porous. From their toughness, and numerous fissures, they are difficult of reduction, and form obstacles of considerable importance. These, with a few beds of clay slate and red sandstone interspersed, occur along the whole southern and eastern of the Knole mountain, a distance of eight miles.

50. Between it and Tara Devi Mountain, a distance of 12 miles, the formation is of clay slate, much broken and in confused layers, so that where the masses of slate do not crop out, the hill side appears, covered with particles of broken slate, like shingle. On this no tree vegetation appears to thrive. The yearly crop of grass is however abundant, and further down in the valley, where the detritus has accumulated, much fine cultivation has ensued.

51. I may here mention that the scantiness of tree vegetation on the southern slopes of the Himmalayah, and the abundance of it on those of a northern aspect, is so general as to warrant me in styling it a system of the Himmalayan arboretum.

52. To account for it several reasons may be deduced, although none appear wholly satisfactory. Amongst them I may enumerate the following :—First, the accumulation of snow on the northern flanks during the winter, protecting the young plants from the severe frosts. Second, the general dip of the strata towards the south, by which those slopes have an even and regular declination, but are scantily supplied with soil, from the facility with which it is washed off; and third, the abrupt termination of the strata to the northward, which, from constant crumbling, forms a deposit under the cliffs of increasing depth and richness, and which receives yearly further replenishments by the debris of vegetation. So rich does the soil become, that at elevations between 8,000 and 12,000 feet, some of the most delicate of European vegetables and flowers are found. Asparagus, celery, rhubarb, strawberries, gooseberries, raspberries, scented violets, primroses, lilies of the valley, potentillas, anemones, cowslips, &c., are numerous.

53. The Tara Devi Mountain is of volcanic origin, composed of all the primary rocks fused into a conglomerate mass. It appears either to have cooled irregularly, or, after cooling, to have been the scene of fresh volcanic agency, as layer is detached from layer by extensive fissures, the edges of which are not of a sharp or broken appearance, as if caused by fracture from convulsions subsequent to their formation, but rounded and corresponding to each other. The composite of one such contiguous mass is frequently different from the composite of another, and the fissures are in many places lined with crystals of sulphur, iron, and other minerals. At one place, a bright vermilion powder, of considerable demand amongst the natives, is found, and at another, quartz veins, impregnated with iron pyrites of the brightest golden hues, gave hopes to many of the discovery of a new gold field. Along the whole extent of the Tara Devi Mountain, and in its neighbourhood, the cliffs are lofty and very precipitous, presenting obstacles of great magnitude to a road.

54. Of the formation of the Simla hill, and the ranges beyond it to the northward, I need say little, as they are all of the mica slate and gneiss series, crossed but seldom with any other element worthy of notice.

55. In the Mahassoo tunnel, and at a few other places, impure veins of plumbago were exposed by the road excavations. Near Mahassoo, at an elevation of 7,000 feet, an extensive bed of lime-rock lies above the slate. At Kundrulah, about the same elevation, and 50 miles north of Simla, the mica slate appears strongly impregnated with iron ore; the slate is soft, brittle and imperfect in the cleavage. The iron occupies about 50 per cent. of the ore, and is of remarkably fine quality and great malleability.

56. The

56. The proximity of these mines to the road may at a future period render the establishment of a foundry worthy of the consideration of Government. As an experiment I last year made up some entrenching tools of this metal, at a cost of 50 per cent. less than the price of the same description of tools sent from England. I issued them along with others of European manufacture to the working parties, and found they stood the "wear and tear" better than the latter.

57. Throughout the gneiss and mica slate series the hills are most rugged and abrupt, breaking into extensive cliffs and intersected with narrow and exceedingly rocky glens. The action of the weather on their rugged outlines causes constant demolition, and the consequence is that rocky avalanches of enormous size not unfrequently descend with crushing force, carrying ruin and devastation in their impetuous course.

58. The thin superstratum of soil lying on the sharp incline of the slate hills becoming saturated with moisture, frequently in severe seasons, loses its adherence to the slate stratum underneath, and sliding on its base deposits itself with its load of forest trees and surface rock into the glen below, leaving a shelving precipice of bare rock where formerly existed a rich forest. All these serve to increase the difficulty of construction of a road where the principles of gradient are strictly observed.

59. The forests traversed by the road consist, below Simla, of chier (*Pinus longifolia*), and stunted oak (*Quercus incana*); above Simla and between it and Serhahun, in the valley of the Sutlej, Ra (*P. excelsa*), kyle (*P. pendens*) and chier (*P. longifolia*), with oak (in some spots of considerable size), sycamore, horse-chestnut, walnut, ash, birch, with an occasional grove of keloos (*Pinus cedrinus*.) This last furnishes the only really useful wood found in the hills, and so highly is it esteemed by the hill men that they give it the name of Deodar, or "belonging to God." They exhibit a tendency to grow in clusters, and within the deep shades of these centenarian groves, the worshipper of Bhud erects his altar to the titular deity of the spot.

60. Within the valley of the Sutlej the keloo becomes more common, and at Soongra, 15 miles above Serhahun, there is a very extensive forest; indeed on either bank of the Sutlej, 3,000 and 4,000 feet above the river, the forests of keloo are abundant; and could that most impetuous river be cleared of the obstacles which at present oppose the transport of rafts on its surface, Government might be possessed, through the long course of the Sutlej and Indus, of an inexhaustible supply of the finest timber in the world, at a trivial cost when compared with its value as a building material. I have measured trees within the Sutlej valley from 30 to 36 feet in circumference, and in height from 80 to 120 feet.

61. Mr. Edwards, the present Superintendent of Hill States, has, I understand, during the last rainy season succeeded in floating some hundreds of these pine trees from the Soongra forest to the plains, and the only difficulty he found was in transporting them to the river, and collecting them into rafts at Belaspore after the single tree had shot the rapids.

62. The first of these difficulties can, in my opinion, only be removed by the construction of timber-slides laid at such an incline that timbers laid upon them shall of themselves descend and precipitate into the water, a rough proposition for which I laid before the Board of Administration for the Affairs of the Punjab a twelvemonth ago, but the details of which I have not yet been able to draw out. The second difficulty could be met by a boom moored across a still reach of the river, which would intercept the floating trees, and an opening in it would give egress to the timber when collected.

63. Of late years the demand for deodar has been so great in consequence of its utility in house building, that but very little remains in the neighbourhood of our large Sanatoria; and as from the improvidence of the Hill Chief, trees of small dimensions that have not attained their full growth are sold to the wood merchants, and young trees not planted to supply the place of those cut down, the want of this fine description of wood will be found at a time perhaps when the exigencies of the state can be less easily satisfied than at the present.

64. I beg to submit for the consideration of Government the policy of planting the hills in the immediate neighbourhood of the Hindoostan and Thibet Road with deodar, and I think I can show that this might be done at a small expense and without interfering with existing relations between the British Government and the Hill Chiefs. In the first place, only those hills above an elevation of 6,000 feet ought to be planted, and only the slopes facing the northward. If either of these rules are disregarded the trees will be sickly and will never attain useful dimensions.

65. As the ground occupied by these plantations would generally be the property of independent chiefs, and although utterly destitute of cultivation would not be willingly parted with by them, I propose that they be invited to plant such tracts as are pointed out to them, and that on the young trees attaining the height of a man and of healthy appearance, and not planted closer than 15 feet apart, a sum of eight annas per tree be paid to the native chief to whom the land belongs. He will, at the same time, be required to give a certificate that the trees are the property of Government, and that he will prevent them being cut down or otherwise destroyed, with the proviso that an additional sum of Rs. 2. 8. per tree be given by the Government when it is required to cut them. Thus in 20 years, by which time the deodar has attained a girth of 8 or 10 feet, the Government will be in possession of the finest timber in India, at a most moderate cost, and well situated with reference to the best line of communication to the plains.

66. In consequence of the obligation under which the superintendent of roads lies, of visiting the line continually, I would recommend that the superintendence of these forests be entrusted to him, and that for the purpose of guarding against their destruction, a small establishment of peons be allowed him, with power on certain occasions to demand assistance from the neighbouring villages.

67. I need not here detail the mechanical operation of cutting the lock-spit or guiding line for the road workmen, as it was clearly demonstrated by Major Kennedy in his pamphlet, entitled "Road-making in the Hills." I must, however, observe, that I have learnt from experience how erroneous it is to open out the road to a less width than what is eventually contemplated. I do not mean that no lock-spit should be made, for without it the road would not be kept level, but I object to widening the road first to five feet, and then afterwards to 12 feet.

68. The ground through which we have to work is generally hard clay, or mica slate, with occasional masses of more compact rock. In opening the road to a width of five feet, the workpeople, with great labour, blast and chip off just enough to afford the pathway required; the debris falling down and filling up the re-entering angles. When it is required to increase the width of roadway, the labourers have to re-commence to excavate the bank above the former cutting, and to perform the same operation as was required for the five-feet road, only that the labour is increased in ratio to the increased dimensions of the section cut.

69. From the accumulation of the debris of the first cutting, the natural bank below the road is hidden, and considerable difficulty is found in removing the rubbish in order to commence the excavations for the foundations of the retaining walls. It is my opinion that after cutting of the lock-spit, the intended width of the roadway should finally be determined, and the foundation of the retaining walls laid out, and excavated at once. The cutting into the hill side may be then commenced, the fragment of rocks being used for the walls as they are dug out; by this means, the sharp angular turn of the road will be reduced to a minimum, the foundations of the walls from being cut out of the unbroken hill side will be stable, and no unnecessary excavations or revetments will be made.

70. In the manner described in the pamphlet above noticed, the construction of a five-feet track was commenced in July 1850, on several portions of the line. Major Kennedy, in his letter to Government, dated 17th September 1850, fully details the means he took to obtain the efficient performance of his duties from every individual employed on the road. That he was eminently successful admits not of a doubt, but that the sanguine expectations entertained in that letter

letter should be realized, was simply impossible. He there stated that there was little doubt but that the whole line from Kalka to Chini, in the valley of Kennawur, might be made passable for loaded animals by November 1850; that is, that a nearly level road five feet wide, and 200 miles in length, might be constructed through the most precipitous chain of mountains in the world, within four months. The work actually constructed within these four months, was the construction of 50 miles of a path five feet in width, just passable for horsemen, below Simla and the plains; where extensive cliffs occurred they were avoided by temporary ramps made either under or over them. Twenty-five miles of similar road were constructed between Simla and Chini, but as intervening cliffs were not reduced, no portion of it was available for traffic.

71. The number of labourers employed in the construction of the five-feet path, between Simla and the plains, was 80,966 (for one day) or an average 1,730 coolies per mile. The cost of this at the market rate of two annas per man, would have been 216 rupees per mile. The actual cost to Government in consequence of the amount of tribute labour employed, was only 147 rupees per mile. The cheapest work of this description was performed under Lieutenant Dawson's superintendence between Mutteana and Theog. He lock-spitted and opened to five feet, nine and a half miles in twelve days, with an average number of 200 coolies per diem. The heavy rocks were avoided in a similar manner by ramps.

72. In December 1850, I commenced the widening of the Simla and Dugshai path to 12 feet, correcting all irregularities of gradient which had previously been allowed, in order to avoid precipitous cliffs.

73. In the neighbourhood of Dugshai, a detour of 12 miles had been made in order to pass round the Chewah range of hills; this I determined to avoid by a tunnel through the range of about 1,000 yards in length, but as means were not then at my disposal for such an undertaking, I laid out a temporary road over the range at a general gradient of five feet in 100, which effected a saving of 10 miles in distance. This irregularity of gradient is doubtless a great eyesore in otherwise so level a line, but its temporary construction was under the circumstances highly advisable, and I trust that it will not be long ere the tunnel adverted to will do away with the necessity for it.

74. It would be tedious to detail each of the many works which were necessary in order to form a nearly level roadway of 12 feet in width through the difficult country before described. I will merely mention a few of the works of great magnitude, outlines of some of which are given in plans Nos. 1, 2, &c.

75. The most difficult undertaking was the construction of the road through the extensive wall of cliffs which form the western flank of the sacred Tara Devi Mountain, opposite to, and within six miles of Simla. These extended for a distance of nearly two miles, varying from 50 to 500 feet in height. One portion 400 feet in length, was cut down to a depth of 150 feet, in order to obtain a sufficient breadth of roadway; another, 300 feet in length, was of such a height and so sheer, that in order to obtain a roadway, the reduction of the cliff must have commenced 300 feet above it. To this I preferred erecting a viaduct along the precipice, as shown in plan No. 1.

76. In only one spot was it found necessary to sacrifice the regular gradient of the road to the difficulties presented, and this extending for a distance of only 100 yards, was merely temporarily necessary, that the remainder of the road might not remain shut to the public. The excavations in this range of cliffs above, amounted to 1,835,349 cubic feet.

77. Under "Prospect Point," nearer Simla, a series of cliffs, 500 feet in length, and averaging 60 in height, were reduced by blasting, and a cutting 150 feet in length and 50 in depth, was made through a sharp projecting spur. Retement walls varying from 10 to 50 feet in height were built in many places. These were constructed of roughly hammered dressed stone, laid without mortar, a general batta of one in four being given to the walls. They have been found to answer their purpose well.

78. I cannot give a better idea of the amount of work performed over the 40

miles of road between Simla and Dugshai, than in stating the cubical contents of each description of work executed

	Excavations, Cubic Feet.
Of hard rock reduceable only by blasting - - -	5,734,663
Of slate, shingle, stones and earth - - -	14,170,417
Of revetment walls - - - - -	823,893
Total Cubic Feet of Work executed - - -	20,728,973

The number of labourers employed on the above-mentioned works, excluding the viaduct, was 348,902, whose pay, calculated at the market rate of two annas per man, would have been 43,614 Company's rupees. Under the then existing regulations regarding tribute labour, the cost to the state was only *Co.'s Rs.* 31,049. 9. 6. There was a further sum of *Rs.* 1,755. 4. 6. expended on artificers, of which class of labour 5,610 were employed at an average rate of 4½ annas per man. The cost of superintendence, including all staff salaries, accountant's pay, and overseer's staff allowances, was *Co.'s Rs.* 12,703. 10. 9. There were other incidental expenses for materials, books, and stationery, amounting to *Co.'s Rs.* 3,877. 9. 1. The cost of tools and powder, which were chiefly supplied by the Government, I have no means of determining. The amount of powder expended on mining operations was 40,000 lbs,

79. By reducing the above to a mileage denomination, we have, as the average cost per mile, supposing all labourers employed to have received two annas per diem.

On labour - - - - -	Rupees 1,090
On artificers - - - - -	44
On superintendence and accountant's office - - -	320
On contingencies - - - - -	97

Or a total expenditure per mile of 1,551 Company's rupees. But as a portion of this labour was not paid for, being exigible by treaty, the cost to Government was only 1,237 Company's rupees per mile. The average amount of road work executed by each man, artificers and coolies, was 58 feet.

80. Besides the large viaduct mentioned above, eight other wooden bridges, varying in span from 30 to 96 feet of the description entitled "American lattice bridges," *vide* plan No. 2, were constructed. They are only furnished with single trusses in the manner of cattle bridges, as greater strength was not considered necessary. Heavy 24 lbs. guns, with carriages, have been taken over them without causing damage. These bridges, spanning a length of 662 feet, have cost a sum of 9,000 Company's rupees; that is, their expense per lineal foot has averaged *Rs.* 13. 8. They are constructed solely of deodar pine, with oaken trenails. The proximity of forests of the former have had considerable effect in reducing their cost.

81. In the end of 1850, the Government of the North-Western Provinces sanctioned the construction of the staging bungalows along this line of road. Two were constructed 15 miles apart, at Rearee and Solan Ghat, similar to plan No. 3, at a cost of *Co.'s Rs.* 7,355. 14. 9. On the roof of these bungalows I tried, as an experiment to prevent leakage, so generally complained of in flat-roofed buildings, the following plan, which has succeeded perfectly. The purlins were laid so as to give a slope to the joists of one foot in 12. On the joists such planking was fixed, the seams were carefully "paid" with pitch and oakum, and over them were laid inch and a half stripes of asphalte felt, softened by boiling in a mixture of tar, lime, sand and oil. Over the entire roof, four inches of carefully prepared mud was laid, and well beaten. This is now as hard as concrete, and the roofs have proved themselves impervious to the heaviest rains.

82. The several works commenced in December 1850, were completed in September 1851, between which periods there were only 248 working days, in consequence of the severity of the winter, and the inclemency of the rainy season. In October 1851, the most Noble the Marquis of Dalhousie personally inspected the whole of the completed works.

83. About

83. About the same time his Lordship was pleased to sanction, upon the same principle as had obtained on the Simla and Dugshai road, the construction of a road between the military cantonments of Dugshai and Kussowlee, where no line of communication better than a hill footpath existed, although the intercourse between the stations was frequent and necessary.

84. The distance was nearly nine miles, over the greater portion of which I was able to lay out the line of road at a gradient of one foot in 33. The stations, however, being perched on the summits of isolated peaks, were only approachable at excessive gradients. That to Dugshai was laid out at one foot in twelve, for a distance of upwards of a mile. That to Kussowlee one foot in 20, for nearly the same distance. About one-half of the line lay through difficult ground intersected by frequent occurring trap dykes, only reducible by blasting. The other half lay through comparatively easy ground where the blocks of stratified rock lay detached and imbedded in coarse gravel and clay.

85. The continuation of the Simla and Dugshai road to the plains also at this time received the Governor-general's sanction, and the survey and marking out were speedily accomplished. This line, 15 miles in extent, joined at a point $3\frac{1}{2}$ miles from Kalka, another road being constructed under the direction of the Military Board. The maximum gradient observed was 1 foot in 30, at which about one-fifth of the distance was laid out. On three-fifths a gradient of one in 33 was observed, and the remaining one-fifth remained level. With the exception of a few beds of granite and trap dykes, this line lay through a series of loose conglomerate and sandstone, presenting few difficulties.

86. Whilst affairs were thus progressing to the south of Simla, the operations to the northward, towards Ladak, had by no means been neglected. In consequence of this withdrawal from the northern districts of considerable parties of labourers for the works on the Simla and Dugshai line, only a limited amount of labour was available to the north, but with that we succeeded in opening 50 miles in the Kunthul, Komharsen, and Bussahir States. Many difficulties of no ordinary magnitude were successfully overcome. Cliffs varying from 70 to 300 feet in height were reduced, and although the general width of the road was limited to six feet to the north of Simla, in consequence of the present traffic requiring no greater width, I directed that wherever cliffs occurred the greatest width attainable without excessive labour should be given, that in the event of it being found necessary, in consequence of the increased traffic, to increase the dimensions of the road, the cliffs should require but little further improvement.

87. A tunnel, 560 feet in length, was driven through the solid rock two miles and a half north of Simla, and not the least remarkable circumstance connected with this work is, that it was constructed almost entirely by prisoners, and without a single accident. The night reliefs were alone composed of free labourers, and a few of the same class during the day, assisted the convicts in wheeling barrows, and in such work as their chains rendered irksome.

88. In the excavation of the tunnel 10,000 prisoners (for one day) were employed, and 8,450 free labourers (for the same period). Taking the cubical contents of the excavation at 50,000 cubic feet, for it has not yet attained its ultimate dimensions of 12 feet in breadth, and 20 feet in height, we have 2.71 as the average work of each man. It must be remembered that every foot of the excavation was through solid rock of an unfavourable description for blasting, the geological formation of the hill being gneiss and indurated slate. At the market rate of labour it would have cost 1,057 Company's rupees, but as a large amount was furnished as tribute, it only cost 391 rupees; a further sum of 220 rupees was expended on artificers, so that the total cost of the tunnel to Government was 611 rupees.

89. Considering the excellent work obtained from convict labour, I cannot refrain from expressing my disappointment that since the completion of the above described work, I have been wholly deprived of the services of the few prisoners that were employed on it, and have not succeeded in obtaining the increased supply of this description of labour, which I at one time fully expected.

90. I have thus brought the description of our operations up to the winter of 1851-52,

1851-52, at which period circumstances occurred which, for a time, completely put a stop to our further progress.

91. It has been stated in para. 23 that the Government, in demanding tribute labour from the Hill States, in accordance with the treaties of 1815, always supposed that the chief supplying it contributed towards the support of their respective gangs of labourers, but I soon had reason to know that far from performing what could only be considered as an act of justice, they had in many instances not only denied all support to their suffering subjects, but had even insisted on the payment of the full revenue of lands whose tenants had for several months of the year been employed on road duty. Many of the chiefs had shown great disinclination to furnish the labour exigible by treaty, and I was obliged, on more than one occasion, to call for the interference of Government.

92. Until the Simla and Dugshai portion of the line was opened they afforded the assistance required of them, but most unwillingly, and not until the Superintendent of Hill States had been obliged to resort to threats and fines. But on the completion of that portion they withdrew all assistance, and to my fresh applications the superintendent declared his inability to enforce the attendance of the regular quotas of labourers for the completion of the remainder of the work.

93. There are three chiefs which, however, deserve to be honourably distinguished from the rest, on account of the energetic and cheerful assistance they rendered, and the alacrity they have generally displayed in affording assistance when required; these are the Rajah of Putteeala and the Ranas of Kunthul and Komharsen. I am also desirous of mentioning the services of a fourth, the Thakoor of Kotee, who, although dependent on the Rana of Kunthul has, without the assistance of his liege lord, constructed the road within his own district, and has at all times evinced a praiseworthy desire to assist in this important work.

94. I trust I may not be considered trespassing beyond the limits of my duty in submitting for his Lordship's consideration, the propriety of distinguishing the good conduct of these chiefs by some especial mark of his Lordship's favour. The Superintendent of Hill States coincides, I believe, in the favourable estimate I have made of the disposition of these chiefs towards us, and would I doubt not, if called upon, be able to give other proofs of their general good intentions. I feel assured that a recognition of these services will be a great inducement to all the Hill Chiefs, as well as to other influential men, to come forward and offer their assistance to the Government in carrying out this as well as other works of public utility.

95. All hopes of assistance from the hill people without fresh references to Government being at an end, I determined, before reverting to the extreme measure of reporting to Government the contumacy of the chiefs, to make every attempt in my power to induce voluntary labourers to accept service on the works. A sum of 8,000 rupees having been sanctioned for the Dugshaie and Kussowlee military road enabled me to offer fair wages, or two annas per diem for workmen.

96. For this purpose I sent emissaries to the most populous Hill States, and to the plains. From the former I did not obtain a single volunteer, and this I attributed not to the limited amount of the wages offered, for four rupees per mensem is considered a high rate of wages amongst the labouring class; but to the natural apathy and indolence of the race. From the plains I obtained 600 labourers, but they proved physically unfit for the work required of them. The cold of the winter benumbed them, and neither by threats nor bribes could we obtain more than a few hours' work in the day from them. I consequently dismissed them after two months' trial, during which time their labour cost 50 per cent. more than similar work executed by the hill men.

97. Deprived of all means of progress the work remained in "statu quo" until the adoption of the following plan, submitted by me to the Board of Administration for the Affairs of the Punjab, and duly sanctioned by the Government. It appeared to me best suited to allay the discontent of the hill coolies without pressing too hard on the Hill Chiefs.

98. The just subjects of complaint urged by the coolies were the want of fair remuneration for their labour, and the distance to which some had been obliged

obliged to work from their homes. The only just subject of complaint that could be urged by the chiefs was the employment of their gangs beyond the boundaries of their own states. To remedy both evils, the Government was pleased to sanction the quotas as per margin,* were exigible from the several states, and that every individual should obtain the full hire of two annas per diem whilst employed on the road, one anna of which to be paid by the British Government, and the other by the chiefs of the states to which the labourer belonged, provided the labourers worked within their own chief's territories.

99. When required to work beyond these boundaries, the quotas exigible from the chiefs were to be reduced one-half, and the entire pay of the reduced quotas was to be borne by the British Government. By this means it became an object to the superintendent of the road not to withdraw parties beyond the boundaries of their own districts, except under special circumstances, as by so doing he lost the assistance of half the strength of the parties, and entailed their entire charge upon the British Government.

100. This plan has entirely succeeded, and since its adoption I have had no complaints, nor have I been subject to the constant disappointments, the desertion of large parties at critical times, formerly caused me. All payments are made by the road establishment, and invariably in the presence of an officer, so that each labourer has placed in his own hands the amount of his hire, and I do not up to the present time know of any well authenticated instance of the money having been afterwards taken from the labourer by the authorities of his own state.

101. To meet the expense of the work consequent on a moiety being borne by the Government, an assignment of 3,000 Company's rupees per mensem was sanctioned, and this up to the present time has fully sufficed for the payment of all labour, including that labour performed by labourers withdrawn from their own territories, a measure absolutely unavoidable on the lower portion of the Hindustan and Thibet Road, in consequence of its lying wholly within one small state capable of supplying only 60 labourers.

102. These arrangements were not concluded until the end of April 1852 and it was not until the middle of May operations were recommenced with vigour. To complete the Dugshai and Kussowlee Road was my first object, and on that 800 men were at once engaged, under the superintendence of Major Cautley and Lieutenant Montgomery.

103. Lieutenant Dawson assumed charge of the northern divisions with 1,000 men, and notwithstanding the unprecedented heavy rains which fell during June, July, and August, the Dugshai and Kussowlee Road was completed in July, and the extension of the Hindustan and Thibet Road to Kalka and the plains commenced upon. This I have every expectation will be finished during next month, with the exception of bridges, which will delay its final completion until the end of the year.

104. The road to the north has also progressed satisfactorily, and with the exception

*

STATES.			STATES.		
	Quotas available when working within their own Territories.	Quotas to be demanded when serving without their own Districts.		Quotas available when working within their own Territories.	Quotas to be demanded when serving without their own Districts.
Puttualla - - -	300	150	Turoch - - -	50	25
Kyloor - - -	200	100	Dhama - - -	50	25
Hindoor - - -	200	100	Kootar - - -	40	20
Sirmoor - - -	250	125	Bejah - - -	20	10
Bussahir - - -	500	250	Koonyar - - -	20	10
Kynthul - - -	150	75	Mangul - - -	10	5
Nagul - - -	120	60	Burrowlee and Bughat	60	30
Komharsen - - -	100	50	Joobul - - -	150	75
Bhuijie - - -	70	35	Kotkai - - -	90	45
Mylog - - -	70	35	Kotghur - - -	20	10
Bulsun - - -	60	30			

exception of seven miles, it is now open as far as Soongree Ghat, 70 miles distant from Simla.

105. The total length of the road finished up to the date of this report is 60 miles of 12 feet in width, and 70 miles of six feet. Since the commencement of permanent operations in December 1850, there have been 480 working days, during which time we have had an average of 1,631 labourers per diem. The average number of labourers employed in constructing the 12 feet road amounts to 8,700 per mile. The average number of labourers on the six feet road to 3,585 per mile, or as 12 to 29 of the number required for the 12 feet road. Had all labour been paid for at the market rate of two annas per cooly, the cost would have been, including superintendence, materials, and office establishment, 1,551 Company's rupees per mile. The whole labour not having been paid for, the cost has been 1,237 Company's rupees per mile. The cost of the six feet road, had all labourers been paid for, would have been, including superintendence and office, 908 Company's rupees per mile. It has cost 689 Company's rupees per mile.

106. It has been urged against these hill roads that the cost of keeping them in repair would be greater than the cost of construction. That this is a fallacy when applied to roads made on the same principle as that observed on the Hindoostan and Thibet Road, I am able to show. The Dugshai and Simla Road has sustained two rainy seasons and one winter. The last rainy season was unprecedented in severity, 92 inches of rain having fallen at Simla, where 36 inches is considered an average fall; yet no material damage was done to the road. Many slips of course took place, and here and there huge boulders, loosened from their position by the continued rain, rolled down upon the road. A party of 40 men rendered 37 miles of it perfectly passable for a horse in four days. The total cost in clearing it entirely has been 280 rupees. This does not include the re-construction of some drains, which were built of rough dry stone, by coolies, as a temporary measure, at a time when masons were not procurable, and before material could be collected.

107. The last heavy rains have taught me that culverts covered with stone slabs, merely of sufficient area to carry off the surface water which falls from the hills, will not suffice, in consequence of the immense quantity of silt that is brought down by the mountain rills. Where a dry watercourse marked with a score, not a pace in breadth, the green hill side, and was provided for by a culvert of 10 square feet in area, I have measured the silt of one rainy season heaped on the roadway, and found it eight tons in weight. In providing for the drainage an entire change must therefore be made, and light wooden bridges covering large openings be substituted for the present stone culverts. This does not entail any expense previously un contemplated, as the surface drains, constructed last year, were only temporary. The large wooden bridges on the line have stood admirably.

108. Having now described the result of our operations up to the present time, I will state briefly in what manner the department of accounts was managed, and it has fully answered the expectations entertained of it. That it has done so is solely owing to the separation in all details of the accountant's department from that of the executive, by placing at its head a responsible party, qualified for the duties of an accountant. The appointment of Mr. T. Graham as accountant relieved the superintendent of the road of all the responsibility of detail in accounts, and so afforded him increased opportunities of giving his time and attention to the constructive duties of his office. The separation of these branches affords additional security against fraud, inasmuch as the executive and accountant's departments become checks upon each other.

109. As an example of this, I will detail the method adopted in keeping accounts of labour. Overseers in charge of sections of works are provided with lithographed muster-rolls, in which it is their duty to insert the names of the individuals of their working party. Each day the roll is called, and a distinguishing mark made opposite the names of those absent, or present. At the expiry of eight working days, when a rupee is due to all who have worked regularly (from the fact of their daily hire being two annas), the officer in charge of the division, or, should there be none, a pay clerk proceeds to the section, and the

the overseer calling out each individual of the party, the officer or pay clerk places in his hands the amount of his wages, according to the number of days he appears to have worked by the muster-roll, and the amount is entered against his name in a column left for the purpose. When the whole party have been paid, and any complaints that may have been urged settled, the officer and overseer jointly attest a certificate, lithographed at the foot of the pay-list, to the following effect: "We, the undersigned, hereby certify that the persons above-named have been present at work for the time returned, and paid the sums specified opposite their respective names." The document is then forwarded to the superintendent of the road, who examines it as to its general correctness, and passes it on to the accountant, who checks it, and enters it in the day-book.

110. At the end of every three months, or the completion of any special work, the accountant submits for audit to the superintendent the accounts, with all the necessary vouchers. The superintendent having compared the entries with the vouchers, signs an audit certificate and an account current, showing the balance for or against the work. These are kept in the office, and the vouchers are enclosed in a sealed parcel for deposit among the office records. Bills for expenditure during the past three months are immediately drawn out for submission to the Auditor-general, and from him are sent to the Accountant-general, who speedily relieves the superintendent of the road from the responsibility of their amount.

111. By this means the road officers and overseers are reciprocally checks upon each other, in the matter of disbursements, and the superintendent and accountant in the matter of accounts. The same system is observed in the purchase of materials, and no item, however insignificant, is admitted in the accounts, without its corresponding vouchers. I am convinced that the salary of the accountant, instead of producing an increase of expenditure to the Government, would, in divisions of public works, where extensive operations are in progress, effect a large reduction, and render the principal officer and his subordinates much more efficient, inasmuch as their time and attention would be wholly devoted to the economical construction of the public works entrusted to their charge.

112. I will now proceed to detail my future operations, and will at the same time state the probable cost of such, as regards money and time, taking as my data the result of former operations. As stated in para. 103, the whole line from Simla to the plains will be finished to a width of 12 feet, probably within the ensuing month. But I consider that there are several improvements necessary before it can be designated as entirely complete. There are many sharp salient angles which will prove dangerous to any large amount of traffic, unless rounded off. There are some precipitous places where 12 feet cannot be considered a safe width, and there are a few other places where the full width, from the hardness of the rock, has not yet been attained. There are culverts which require renewing, and some precipitous spots, where a parapet wall is absolutely necessary. There are 100 yards where the gradient has been sacrificed to natural difficulties, as stated in para. 74, and there is a tunnel of 1,000 yards in length to be driven through the Chewah range of hills.

113. This last operation is of considerable difficulty, from the impossibility of sinking shafts where the hill, through which the tunnel is to be driven, rises to a great height above it. I would consequently recommend that its commencement be delayed until a strong gang of prisoners can be spared from some of the neighbouring districts, by whose assistance this great work might be completed at a trifling cost to the State. A daily average of 200 prisoners ought to open a tunnel of this length in three years. Proper means of ventilation and carriage of the debris from the interior to the mouth of the tunnel, would be submitted for the consideration of Government, before the commencement of operations.

114. For the other improvements between Simla and the plains, a sum of 10,000 Company's rupees, with the usual moiety exigible from the several states working within their own territories, would be sufficient, and these improvements ought to be completed with the means at our disposal within a year.

115. The work above Simla, towards Thibet, can only progress at a moderate

rate, in consequence of the limited number of men which can be afforded for it by the northern states. To draw the labourers from the southern states up there, would be to continue the impolitic system before adverted to. Not more than 800 men can be depended on for the works above Simla, and 300 of that number cannot be called upon to work beyond Nagkundah, 40 miles from Simla. During the winter, or for three months in the year, little work can be expected; so that, after deducting Sundays, and making an allowance for wet weather, we cannot calculate on more than 200 working days, to the north of Simla, within the year. There are still 70 miles to complete between Simla and Chini, in the valley of Kunnawur, and taking 3,585 as the average number of men required for a mile of six feet road, *vide* para. 105, we shall require two years and a half to complete the road to Chini, and consequently with the usual moieties a sum of Company's rupees.

116. As the labourers of the Putteealla, Sirmoor, and Bughat districts will be sufficient for the improvements proposed between Simla and the plains, and, as previously stated, it would be impolitic to force the labourers of the southern states to work above Simla, Government will have at its disposal the labour of six states, as per margin,* not required for the Hindoostan and Thibet Road. This fact induces me earnestly to bring to the notice of the Governor-general in Council the great want of a good line of road from the Military Sanatoria of Dugshai and Kussowlee, towards the Punjab. Troops at present marching from these sanatoria to the Punjab are obliged to descend to Kalka, and march round by Loodiana, whereas if a road were constructed they might descend upon Roopur, and crossing the Sutlej, be in the Punjab at once. The benefit of such a road to British residents in the Punjab, who yearly visit the hills in large numbers, would be great, and the encouragement given by it to a considerable trade which has of late years sprung up between Simla and the Punjab, would, I have no doubt, soon be evinced by the cheaper and more abundant supply of the produce of either places.

117. Such a road, communicating between the present Dugshai and Kussowlee new road and the plains near Buddee, would be about 15 miles in length, and the gradient need nowhere exceed 3 feet in 100. With the moieties which would be recoverable from one state working within its own boundaries, the cost of this line to Government ought not to exceed 15,000 rupees.

118. Thus my proposals for future operations within these Hill States contemplate the completion of three lines of road: viz., 1st. Simla and Kalka, 52 miles in length and 12 feet in width. 2d. The Simla and Kunnawur road, 40 miles in length and 6 feet in width. 3d. The Kussowlee and Buddee road, 15 miles in length and 12 feet in width, and the further expenditure of 50,000 Company's rupees.

119. The present monthly grant from Government for the works under my charge is 3,000 rupees. The continuance of this grant for a period of 17 months will, I trust, suffice to cover the cost of all the works I have proposed.

120. The tools on these works have been in continual use for 2 years, and are fast becoming useless. It would be an economical measure to have those that are unfit replaced by new implements, and I beg to submit to the Governor-general the advantages of having them made up from the Hill iron at this place. They would be cheaper, better, and more suited to the work required of them from their construction being superintended by those who are to use them. The following would, I think, suffice for the construction of the works above proposed:—

800 Pickaxes; 300 Phurwahs; 50 6-feet Jumpers; 100 4-feet ditto; 50 Axes; 20 Needles; 20 Tampers.

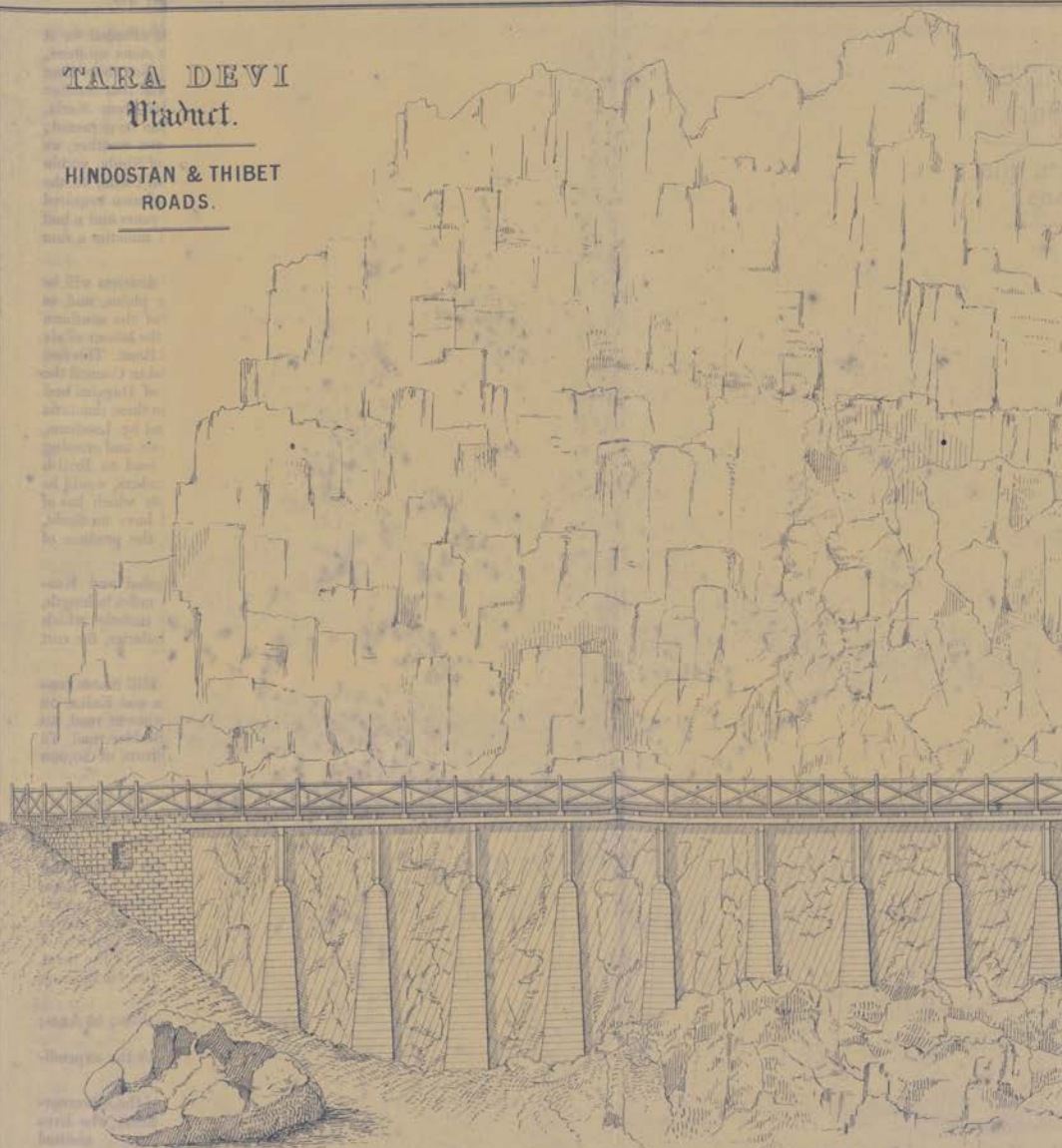
The cost of these would amount to about 5,000 rupees, and for the expenditure of this sum I would beg his Lordship's sanction.

121. I cannot close this report without bringing to the notice of the Governor-general the zeal and intelligence displayed by the several officers who have assisted

* Hindoor, Kilure, Baghul, Kothar, Mylog, Dhamee.

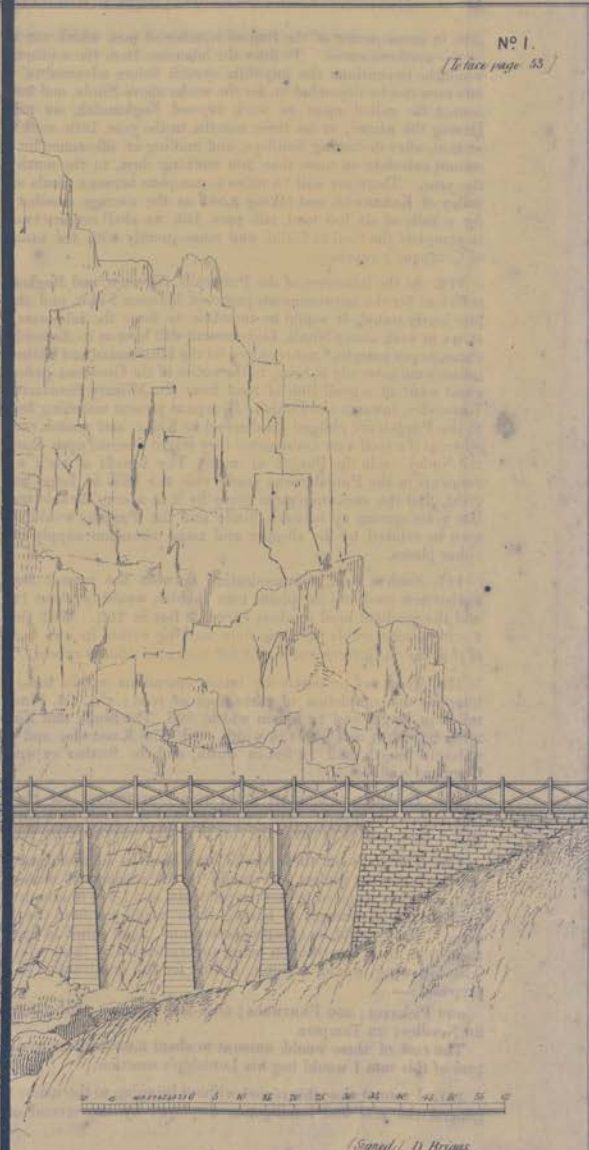
TARA DEVI Viaduct.

HINDOSTAN & THIBET
ROADS.



(Signed) R. Cantler, Major Genl.
Sept 1852.

J. B. Green, litho.



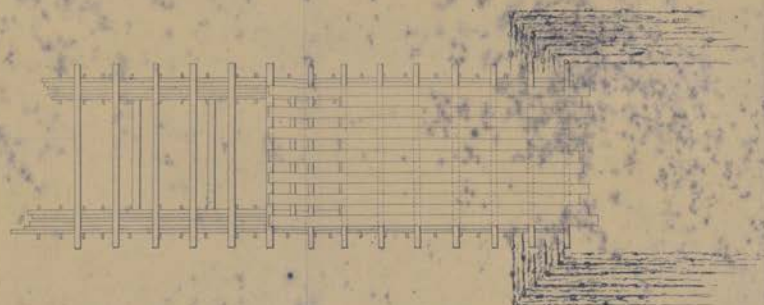
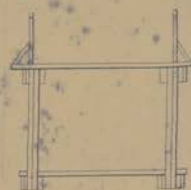
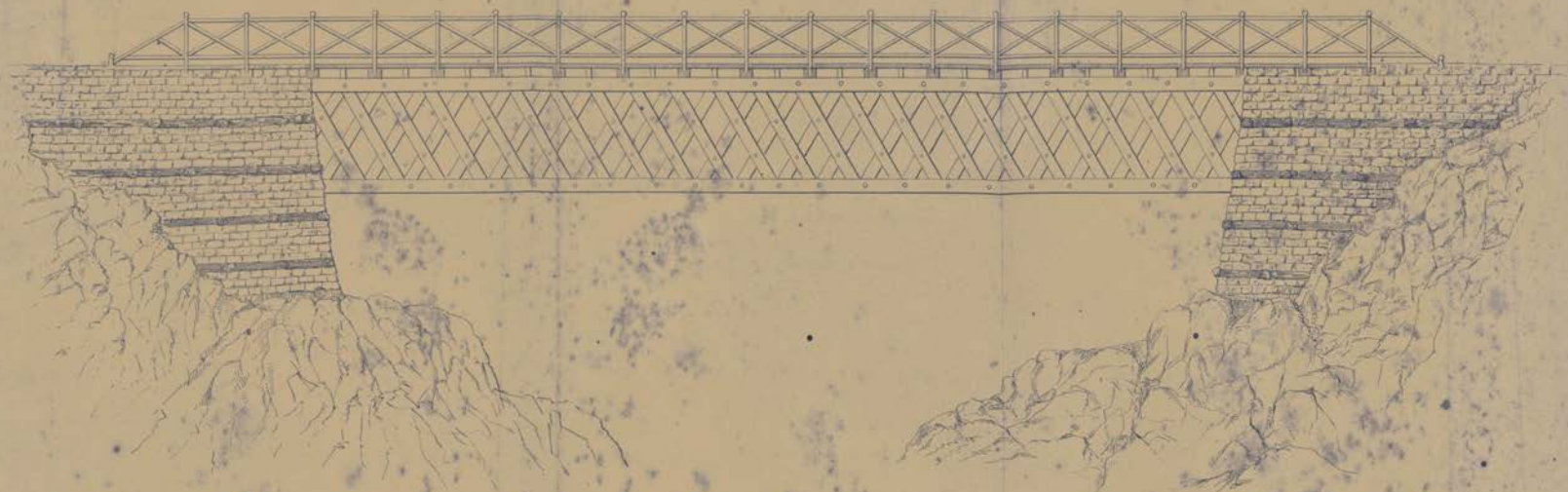
No 1.

(To face page 55.)

(Signed) D. Briggs,
Supt. Hill Roads.

No 79. Ordered, by The House of Commons, to be Printed 4 March. 1857.

Henry Mansard, Printer.



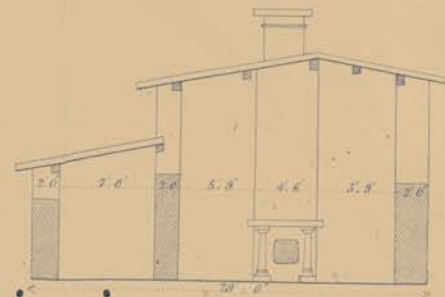
(Signed) D. Briggs,
Sup^r Hill Roads

PLAN OF THE GOVERNMENT BUNGALOWS.

HINDOSTAN & THIBET ROAD.



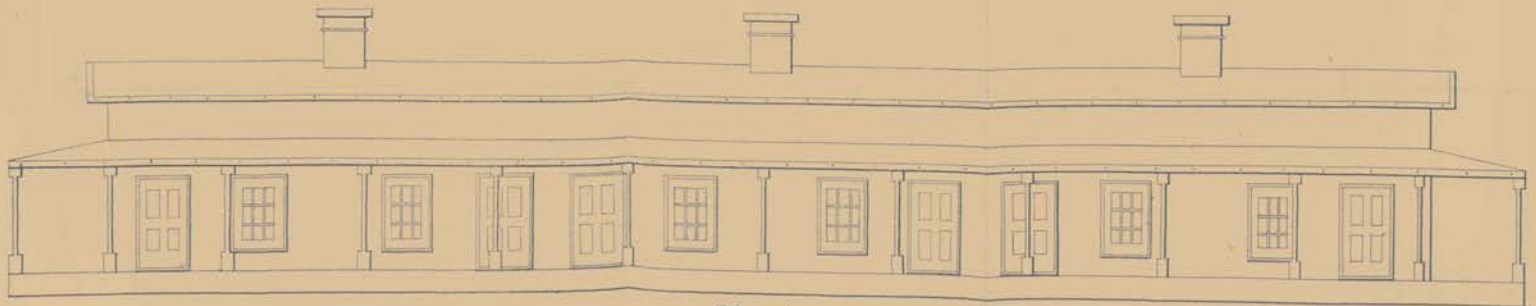
Elevation of East Wall.



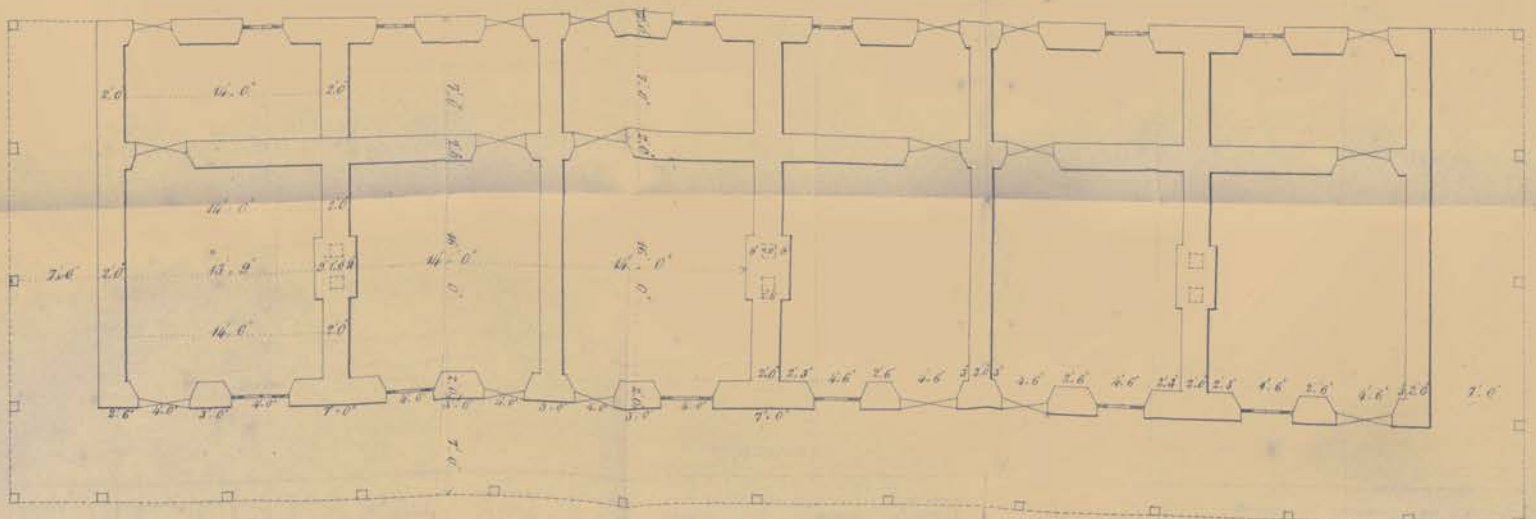
Section.



Elevation of Side Wall.



Elevation.



Ground Plan.

(Signed) R. Cantley, fecit.
Sept. 1852.



(Signed) D. Briggs.
Sup^r Hill Roads.

Ordered, by The House of Commons, to be Printed, 4 March, 1857.
Henry Mansard, Printer.

assisted in bringing these important works to their present forward condition. Lieutenant Dawson and Major Cautley have each shown the most praiseworthy energy and perseverance in carrying out my orders. At times too, when difficulties of no ordinary magnitude opposed, and when from the apathy and indolence of the Hill-men the greatest discouragements were placed in our way. Lieutenant Johnson of the 33d Native Infantry and Lieutenant Montgomery of the Engineers, each for some time in command of the 5th Company of Sappers and Miners attached to the road, entered entirely into the spirit of the work, and gave me assistance as fully and cheerfully as if they had been officers of the road department.

122. Of the accountant's department I have before spoken, and will therefore merely state my entire satisfaction with the manner in which the head of it, Mr. T. Graham, has conducted his duties.

123. I will venture to say that no class of men in India have undergone greater privations with cheerfulness and unremitting attention to their duties than the non-commissioned officers of the Sappers and Miners attached to this road. They have been required to remain under canvas in all weathers, sometimes with many inches of snow upon the ground, and sometimes when it has rained incessantly for days. Some have been for months attached to distant divisions in the far interior, shut out from intercourse with their comrades, and deprived of all the luxuries of life, yet I have seldom heard a complaint. I have never found them discontented. No one of them has ever been reported to me for drunkenness, idleness, or insolence. They are generally well-informed, zealous, active men, and highly creditable to the branch of the service to which they belong.

124. Some have passed the examination for the department of Public Works, most of them are able to do so, yet their position here, in a pecuniary point of view, is far inferior to that of others (certainly not more deserving), who have been fortunate in having their names enrolled in that department. The men on this road observe others of the Sapper corps, junior to them in point of standing, raised to the rank of overseers of the department of Public Works, whilst they, as well educated, and performing duties of a like nature, have not been admitted into, nor allowed the pay of that department. This makes them desirous of leaving the road, and seeking to better themselves by obtaining appointments in divisions of public works, where their names would be borne on the roll of the department.

125. I most earnestly beg the most Noble the Governor-general in Council to consider the case of these men, and if he thinks fit, to reward their services by permitting them on passing the examination laid down for the department of Public Works, to be raised to the rank of assistant overseers in that department; that their promotion may regularly progress; and that they may enjoy the same amount of pay, whilst employed on this road, as that sanctioned for the men of the department working in other divisions of public works. I feel confident that the men will repay this indulgence by increased zeal and activity in the discharge of their duties.

126. Of the activity and good conduct of the small detachment from Her Majesty's 22d Regiment, which has been employed during the last two years on the road, I cannot speak too highly. As workmen they are invaluable, and the non-commissioned officer in charge of them has judgment and ability for the duties of an overseer. The value of such men in operations such as I have had the charge of, cannot be over-rated, and were their services more generally available, a great saving in both money and time would be manifest in the public works of India.

(signed) *D. Briggs,*

Superintendent, Hill Roads.

MINUTE by the Most Noble the Governor-General of India, concurred in by the Members of Council.

HILL ROADS.

1. THE Report on the road from the plains to Simla and thence to Chini, submitted by Lieutenant Briggs, is to me most interesting and satisfactory in a high degree.

2. The original motives which led me to sanction the attempt to construct this road, were recorded at the time. The objects to be attained by it were of great importance, the difficulties were numerous, and by many considered to be insurmountable. The objects, it is evident from this report, will certainly be obtained, and the difficulties have been triumphantly overcome.

3. The whole thing was experimental. People scoffed at the idea of being able to form a level road through these enormous mountains at all. No estimate could be formed of the expense, for no data existed by which to calculate it. Any reference to the Military Board would have been useless for this reason. I, therefore, took upon myself the responsibility of ordering its construction at once, directly under my own authority.

I venture to think that the experiment has been eminently successful.

Within little more than two years a road of more than 50 miles long, 12 feet broad, and with a ruling gradient of 3 in 100 feet (temporarily departed from in two places where it will hereafter be rectified), will have been constructed from the plains to Simla. One-half of the road from Simla to Chini, that is 70 miles in length and 6 feet in breadth, with the same ruling gradient of 3 feet in 100, has been constructed, and a tunnel of 200 yards in length has been excavated through solid rock.

All this has been effected in spite of the alternate obstructions caused by severe winter and heavy rains, and amidst many impediments caused by the conduct of the Hill Chiefs.

4. By the aid of the tribute labour due by the Hill Chiefs, the road of 12 feet in width has cost only 1,237 rupees a mile, and the road of 6 feet, 690 rupees.

5. It has thus been proved that roads which practically are level can be constructed in the mountains successfully, durably, rapidly and cheaply. The solution of this problem will be of great value equally to the European masters of this country and to the inhabitants of the hills, with reference alike to military, commercial, sanatory and social considerations.

6. No one, I think, can entertain a doubt that the work should be pursued to its fullest completion.

The improvements upon the Simla and Kalka road suggested by Lieutenant Briggs should be made. The short departure from the ruling gradient towards the Simla end should be corrected, and I hope that the tunnel near Dugshai, though extensive, may be found practicable.

The six feet road towards Chini should be steadily prosecuted. I still think that a considerable channel will thereby be opened up for trade across the hills, as was stated in my first minute. Since that time I have seen cause to recognise another great advantage which the road will afford by giving easy and comparatively speedy access to the valley of Chini itself, whose admirable climate has been proved by many persons, including myself, to be immeasurably superior to any other in India, free from the drawbacks which belong to all other sanatoria, that lie within the range of the monsoon, and in many respects equal to the bracing and invigorating climate of our own country.

7. When these roads are thoroughly established, their maintenance will be amply provided for by the labour of the Hill States due to us by treaty, and by a light toll which I would advise the Government to place on the road between Simla and the plains, and on the bridge over the Sutlej near to Wangtoo.

8. When this original line has been completed, or before if it should be found practicable, the branch from Kussowlie to Buddee on the Jullunder side may be constructed,

constructed, as suggested by Lieutenant Briggs. I would further recommend that a branch be formed from the new road at Dugshai to Sabathoo, thus connecting the three stations with each other, and the whole with the plains.

9. When this has been done, begar may be abolished; the right, however, of exacting it being always reserved, in order to meet any great and sudden public emergency.

10. Very recently I took occasion to notice in terms of the highest commendation the exertions and services of Lieutenant Briggs. I can add nothing to what was then said, excepting that the perusal of the full report now before me has confirmed the very favourable estimate I have long since formed of this valuable young officer.

Due praise may be bestowed through the Superintendent of the Hill States on the assistants named by Mr. Briggs.

An extract of the despatch relative to the Ranas should be sent to the superintendent of Hill States with a view to his suggesting the fittest mode of recognising their assistance and services.

The military department should be consulted on Mr. Briggs' request regarding the non-commissioned officers and soldiers under his orders.

11. The report with a section of the line, which I think will be found in the Foreign Office, should at once be sent to the Honourable Court. I feel confident that it will receive the report with gratification and approbation, and I trust that it will sanction the further works required for the completion of the road.

11 November 1852.

(signed)

Dalhousie.

13 November 1852.

J. H. Littler.

17 November 1852.

F. Currie.

18 November 1852.

J. Lewis.

LETTER from Captain *G. J. Montgomery*, Officiating Superintendent, Hill Roads, to *J. W. Dalrymple*, Esq., Officiating Under Secretary to the Government of India, Foreign Department, Fort William.

Sir,

Simlab, 1 September 1854.

I HAVE the honour to forward for submission to the most Noble the Governor-general in Council, a Report of the progress made since the departure of Lieutenant Briggs, in October 1852, of the Thibet and Hindoostan Road, with an abstract of stages and distances.

2. Referring to your letter No. 3151, of the 20th July 1853, and having forwarded to Government in August of the same year, and only ten days subsequent, a report of the road, I considered the wishes of Government had been most fully met, though at the same time I beg to observe, from the disconnected state of the road in most places, and throughout to avoid obstructions from cliffs and difficulties, I have, and necessarily, been obliged to take time to enable me to bring my report to some intelligible condensed form or shape.

3. My suggestion of employing free labourers north of Seran with the view of meeting the expectations of Government to the vigorous prosecution of the works on the road, and bringing them rapidly to a close as far as Chini, will, I respectfully trust, meet with the sanction and concurrence of the most Noble the Governor-general in Council.

I have, &c.

(signed) *G. J. Montgomery*, Captain,
Officiating Superintendent, Hill Roads.

LETTER from Captain *G. J. Montgomery*, Officiating Superintendent, Hill Roads, to *J. W. Dalrymple*, Esq., Officiating Under Secretary to the Government of India, Foreign Department, Fort William.

Sir, Simla, 1 September 1854.

I HAVE the honour to acknowledge the receipt of your letter No. 663, dated 17th February 1854, and obedient to instructions therein, and with reference to paragraph 3, from a despatch No. 26, of Public Department, 18th May 1853, I have the honour to state, for the information of the most Noble the Governor-general in Council, that since I took charge, and Lieutenant Briggs' departure in October 1852, the following progress has been made towards the completion of the Hindoostan and Thibet Road.

2. The distance of the road south of Simla to Kalka, is 50 miles, and of which, with improvements, 35 miles have been completed. The remaining portion, 15 miles, will certainly be completed in all this year. The road will then be a clear, fair 12 feet from Simla to Kalka, without an obstruction of any kind, with drains, bridges, that will last, to the best of my belief, for many years.

3. The stages of Kalka from Simla are,

From Simla to Kearee	-	-	-	15 miles.
Solan	-	-	-	15 "
Dhurrumpore	-	-	-	10 "
Kalka	-	-	-	10 "

The first 40 miles of the road to Dhurrumpore was never opened out to a fair 12 feet, meaning thereby that an average could never have been obtained of 10 feet, for in many places it was not so much, and in most places throughout much less, with all the difficult or high cuttings avoided or lightly passed over by temporary walls or bridging, in some form or another, with little or no regard to permanency or utility,* the main and primary object of all entrusted in the construction of roads anywhere, and particularly in the hills. The road was evidently opened, and hurriedly, with the avowed object of being completed any how, by a certain time, for purposes difficult to divine, except by those interested or employed in its construction.

4. The improvements directed by Government to the lower line between Simla and Kalka, such as rounding all angular sharp turnings to 16 feet, to prevent accidents by collision, and cutting the banks to a proper slope or angle, to ensure against stoppages as much as possible from land-slips, or the subsidence of banks, embrace, naturally and particularly with a new road, extensive and considerable repairs (for it was impossible to separate the two works), with almost every retaining wall, bridge, or drain, to be taken down or rebuilt with very few exceptions, and throughout nearly the entire line of road south of Simla. The walls in most places being merely a casing, and from the want of proper foundations, and, filled in at the back with earth instead of stone, were more or less all bulged, or falling with the walls, covering the drains and bridges.

5. Besides the construction of most of the drains, walls, &c., &c., the road with the most liberal measurement would never have given an average of 10 feet in width, had to be opened out to 12 feet, with all the difficult and heavy cuttings left almost untouched and to be properly finished, as can be ascertained by any one qualified to make the necessary inquiries.

6. The branch road moreover during my superintendence, between Kusnowlee and Dugshai, and only partly finished on my succeeding Lieutenant Briggs, has been completed.

7. The road also from Kalka to Dugshai, and measuring 17 miles 6 furlongs, with

* Two bridges having fallen in, with every other drain and bridge, to be rebuilt; with bridges built that were never necessary.

with scarcely any portion of it opened out, certainly not to more than six or eight feet, and in many places much less (particularly where there was any hard rock or blasting), and for three or four miles, and where the cuttings were anything but difficult, being principally through rice kates, or cultivated ground, and even there in a most unfinished state, without a drain or bridge, and with three to four miles not even marked out or lockspitted, and which has also been completed, including the construction of a 60 feet lattice bridge across the Kotee Nuddee, of abutments of cut stone taken from the bed of the torrent, and masonry, with drains, bridges, and retaining walls to support the roads throughout the entire distance between Kalka and Dugshai, and with all sharp and angular projections well rounded off.

8. The branch road connecting Subathoo and Dugshai, of eight miles five furlongs, and opened out throughout to full 12 feet, was completed in May last, and commenced during my superintendence without the additional work to the original line, any increase whatever of coolies from the different elakas or states, proportionate in any way to the construction of a difficult line of road, owing to the high cuttings and endless retaining walls necessary throughout the entire distance, from the precipitous formation of the range of hills connecting the military stations of Dugshai and Subathoo, with stone fitted for building purposes, distant and difficult to procure in most places. A bridge also across the Dogra Nuddee has been thrown, and built of cut stone and masonry, the abutments of which alone measuring, saying nothing of cubical contents, above 40 feet, with a connecting causeway to preserve the level, of dry stone, from 30 to 50 feet.

9. The three branch roads connecting Dugshai, Subathoo, and Kussowlie, and the main road to the plains have, it will be seen, been completed during my superintendence, and in obedience to Government instructions made over to the control of the department of Public Works.

10. The traffic between Dugshai and Kalka is entirely by the Thibet and Hindostan Road; the Boileau Road, or that constructed by Colonel Napier, is never traversed by any one, and should be abandoned, though at the present moment there is a company of Sappers employed on it, opening the approaches to bridges.

11. From Kussowlie a branch 12-foot road might be run, connecting with the main road from the plains to Simia, and most advantageously, without scarcely increasing the distance, and at an expense of about 4,000 to 6,000 rupees. The military roads would then be most perfect, easy of access, and enable Government to do away with the present steep, tortuous road from Kalka to Kussowlie, kept up at a considerable annual expense, and avoid the expenditure for annual repairs, with a trifling addition to the sum now expended for keeping the lower portion of the Thibet and Hindostan Road from Dugshai to Kalka.

12. Tunnelling the hill North, and facing Dugshai, from its great extent, fully 800 to 1,000 yards, as suggested by Lieutenant Briggs, would be costly, and, as far as can be ascertained, from the gravelly nature of the soil, and extent, totally impracticable, unless Government will sanction a lining or casing of masonry of cut stone and mortar throughout, or in such portions as may be considered necessary. Of the expense it is impossible to form any estimate, or predetermine in any way; for, as the work progresses, unforeseen difficulties and interruptions may, in so extensive a work, be met with and expected, and when finished, the only advantage to the road would be an improvement in the gradient without, and the main object of tunnelling the distance being scarcely perceptibly decreased to the plains, for it must be, and to any one at all acquainted with the formation of hills, that, as a matter of course (though this never occurred to me before, or indeed any one else), from the buttresses or spurs supporting the main range, the nearer you approach the foot or base, the distance at a considerable ratio must increase, and which is precisely the case with that portion of the road proposed to be connected at a reduced gradient, and by means of a tunnel.

13. I would therefore suggest, in place of the tunnel; the hill be gorged, or a ghât cut from 30 to 40 feet, and which at once would reduce the gradient to an easy ascent, be perfectly practicable to beasts of burden, could be done at

once, and for about 600 or 800 rupees. A tunnel was attempted in another portion of the road, near and above Koonda Ghât, and abandoned, as would and must be the case with the Dugshai tunnel, on discovering that a masonry casing was necessary for its construction.

14. The Lattice or Truss bridges, from careful observation, I find, from the component parts and numerous joinings, do not answer at all for India, certainly built of the Kaloo or Cedar, for though simple enough in construction, requires, to succeed, great care and accurate fitting. Two of the truss bridges built during Lieutenant Briggs' superintendence fell in shortly after my taking charge, and the remaining six on the road south of Simla will, and necessarily, be replaced before the termination of the present season (1854) by bridges, in their construction both simple and lasting, and which, beyond the cutting and carriage of the timber (with never a greater span than 12 feet), will cost little more, and strong enough for any and all purposes, with sufficient water-way to insure against accidents, or the bridge being carried away during the rains.

15. Of the upper portion of the road, and north of Simla to Seran, where the works are progressing, and vigorously, now that the weather is more favourable, and the rain not so incessant, is 118 miles, and divided into 12 stages; viz.

Mahasoo	-	-	-	-	-	-	-	-	9 miles.
Fagoo	-	-	-	-	-	-	-	-	8 „
Teag	-	-	-	-	-	-	-	-	8 „
Mutteeana	-	-	-	-	-	-	-	-	10 „
Narkunda	-	-	-	-	-	-	-	-	10 „
Bagie	-	-	-	-	-	-	-	-	9 „
Kundreeela	-	-	-	-	-	-	-	-	9 „
Soongree Ghât	-	-	-	-	-	-	-	-	9 „
Balee	-	-	-	-	-	-	-	-	10 „
Nowgurie	-	-	-	-	-	-	-	-	14 „
Darun Ghât	-	-	-	-	-	-	-	-	10 „
Seran	-	-	-	-	-	-	-	-	12 „

1st stage, 9 miles to Mahasoo, the road to six feet was completed by Lieutenant Briggs.

2d stage, eight miles to Fagoo, and opened out to a full six feet, and nearly the whole distance during my superintendence.

3d stage, eight miles to Teag, about seven miles completed (two by Lieutenant Briggs, and five by Captain M.) to a full six feet, and most all cliff work and blasting, will be completed to Teag, certainly, during the season.

4th stage, ten miles to Muttecana, eight miles completed between Lieutenant Briggs and Captain M., with the remaining two miles of road intersected, and with heavy cliffs to be cut through, and will be completed, if possible, in all 1854.

5th stage, ten miles to Narkunda, all finished partly by Lieutenant Briggs and partly by Captain M., with the exception of about a mile and a half of most formidable cliffs, dangerous in the extreme to work, and through which I most confidently expect to run the road in all October next, certainly by November, and to enable Government to form some idea of the magnitude of cutting through the Muttecana cliff I will merely mention that two of my best overseers, selected for industrious habits and discharge of their duty, have, since April 1853 to the present time, excepting the winter months of January, February, March, and from the middle of December, incessantly and unremittingly been employed in reducing the cliffs and cutting the road way. In fact, the greatest portion of the road left, and since my taking charge, between Fagoo and Narkunda, has been more or less cliff work. Earth-work is easily executed, and with 20 coolies, properly looked after, I would engage to cut five miles of road, and measuring a clear six feet, and within a month; but with cliff or rock work it is very different, tedious in the extreme, and, when anxious to get on with your work, very disheartening and trying to both patience and temper, particularly when, as is often the case, the rock is intersected with veins of quartz, which, with two men working with a weighty six-foot jumper, properly steeled, you cannot cut more than a foot blast in a couple of days, and very frequently not so much.

At

At Mutteeana the cliffs are composed chiefly of pyrites,* as hard as quartz, and which, when blasted, instead of shattering the rock and being able to remove the shattered portions by means of crowbars, come away only in small blocks or pieces, that makes the process of blasting both slow and tedious.

6th stage, nine miles to Bagie, completed during the superintendence of Lieutenant Briggs, gradient very irregular, and to avoid formidable cliffs, and which might have been passed, and advantageously, by the introduction of a zigzag, and without increasing the ascent to more than 4 feet in the 100.

7th stage, nine miles to Kundroelah completed, and, during Lieutenant Briggs' superintendence, road nearly level, and throughout the entire stage.

8th stage, nine miles to Soongree Ghât, completed during Lieutenant Briggs' superintendence, with the exception of a few miles completed in October and November 1852, during my superintendence.

9th stage, to Balee about ten miles postponed, no coolies available by Lieutenant Briggs, the old road being perfectly practicable for all parties, and the road between Balee *viâ* Nowgurrie to Seran being considered of more importance.

10th stage, 14 miles to Nowgurrie, a very difficult section, and completed during my superintendence. For the first five miles the road runs along through the face of a precipitous steep range of hills, overlooking in some parts the Sutledge, and others the Nowgurrie torrent, intersected with cliffs of granite, continually met with, and both difficult and extremely dangerous to work, with incessant and necessary bridging across clefts or chasms almost every 50 or 100 yards. From Balee, the cuttings by no means difficult, excepting in places, till within a mile or so of the Nowgurrie, when nothing that I have ever experienced or witnessed, both on the Darjeeling and Thibet line of road, can surpass the difficulties we have had to contend against, for the rock through which we had to run the road is nearly and perfectly perpendicular, and composed in some places of entire rocks and beds of quartz, of the hardest description. Of which, for submission to the most Noble the Governor-general, I have forwarded specimens, with crystals found in a strata of red sand, embedded in quartz, with two specimens of pyrites, one, of which the Mutteeana Cliffs are nearly composed, and the other found near the Nowgurrie river; also specimens of garnet I picked up on going over the Seran Cliffs, marking out the line of road, though of coal, I have not been able to get any trace in any shape or form, though I shall not relax my efforts in examining the different deposits or debris brought down by torrents in search of fragments, that would lead to the discovery, or even the existence of coal in the hills.

11th stage, Nowgurrie to Darun Ghât 10 miles, cuttings commenced, and during my superintendence. The Nowgurrie torrent is here crossed with a simple bridge, measuring 60 feet by 8, that will last for years, and constructed on the saugo principle, of red pine found growing in great abundance along the banks and heights of the Nowgurrie. From the bridge, for the first 400 yards or so, heavy cliffs, composed entirely of quartz, have been cut through, and the entire distance lock-spitted, of which seven to eight miles of the most difficult portion of the road has been opened out to six feet; the remaining two miles will be completed, and during the season. In this stage I have succeeded, and more satisfactorily, in removing, fuel being plentiful, immense masses of rock, by means of fire and water, by burning the rock till heated to that degree that, on application of cold water, the rock splits, and is removed by means of levers.

12th stage, Darun Ghât, 12 miles to Seran, and working from Seran to open the communication to the Darun Pass. For the first three or four miles cuttings very difficult, and mostly through cliffs, and on which the Bussahir coolies (500) are employed, under an officer (Lieutenant Dawson, and four European overseers), and every exertion being made to complete this section, though I think it scarcely

* Sulphuret of iron.

scarcely possible with only 500 coolies, and more are not available from any of the other works, by the termination of the present season of 1854; and as the works next season will be in the neighbourhood of Seran, and in direction of Chini, I respectfully beg to suggest that, in addition to the coolies furnished from the different states, the superintendent of the roads be empowered to employ coolies to any extent obtainable, with the view of opening and completing the road at as early a date as possible, and with the utmost expedition. Free labourers, at four annas, from Ladak in particular, and Kunawur (or indeed anywhere, numbers of the Ladakies flock into Simla for employment, and are engaged in carrying timber from the Mahasoo Forest, and earn easily four annas and more daily, but Seran being nearer their homes, and the employment more certain, with payments made daily) could be got, and in great numbers, for the Government works on the road, and could be most advantageously employed. For the coolies furnished from the states, even supposing the whole were present, and on the works,* which they never are, 1,420 coolies are in my opinion, I beg to say, totally inadequate, and unproportionate to the extent, magnitude, and rapid completion of the work, with the difficulties from the rocky and precipitous nature of the country through which the road is to be carried, increasing, and undeniably, almost every inch as the works progress, by cliffs that must and will be encountered, and cannot in any way be avoided. Sixteen more coolies might also be furnished from the Bussahir State, from a conversation I have had, coupled with my own inquiries with a friend intimately acquainted with the means and capabilities of the country, provided Government would forego a portion, if not all, of the moiety recovered monthly on account of coolies furnished, and for the payment of which, owing to the straitened state of the Rajah's affairs, as far as money is concerned. The road coolies unquestionably suffer, and are mulct in every possible way, though this would be denied, and stoutly, and which is my firm belief, makes the coolies detest every one and every thing connected with the road, and be the means at once of removing the ill feeling that has ever existed, for, strange to say, whether from attachment to the state, or what, the coolies quietly submit to the exactions without murmur or complaint. The quotas from the other states† might also be increased without any great hardship. With the large districts of Sukkete, Mundi and Kooloo, though distant, but as it is only for a time, might also contribute additional coolies to those now ordered,‡ though the 200 coolies from Sukkete and Mundi, ordered months ago, have from some most unaccountable cause never even been heard of, and the addition at the present season of 200 men would be invaluable. The 300 from the Kooloo district, arrived on the works on the 10th July, and are employed between Darun and Nowgurrie, and since my taking charge, though not only in my time, but Lieutenant Briggs', the deficiency between the coolies ordered by Government, and furnished, amounts to fully 20 per cent. The Superintendent of Hill States has frequently been written to on the subject, and from whom I have received every assistance, though without the power of remedying the deficiency complained of.

17. For the repairs of the lower line, an European overseer, stationed midway between Simla and Dugshai, would, I conceive, under the superintendent of hill roads, be ample, with authority to make such requisitions to the Superintendent Hill States for such coolies as he may consider necessary, and proportionate to the extent of repairs; the expenses to be defrayed, tools excepted, by the different states through which the road may pass, and not by the State. For the

* North of Simla :

Puttiala	-	-	-	-	-	150	Turroche	-	-	-	-	-	25
Keunthul	-	-	-	-	-	150	Kotkai	-	-	-	-	-	45
Joobul	-	-	-	-	-	75	Kotghur	-	-	-	-	-	10
Koombarisien	-	-	-	-	-	100	Kooloo	-	-	-	-	-	300
Bujjee	-	-	-	-	-	35							
Bulsau	-	-	-	-	-	30							
Bussahir	-	-	-	-	-	500							1,420

† Keunthul, Joobul, Koomhassein, Bujjee, Bulsau, Bussahir, Turroche, Kotekai, Koteghur.
‡ 500, of which 300 only are present.

the upper portion, and north of Simla, one overseer for every 40 miles would, I should think, be sufficient for every purpose, and insure against stoppages to travellers from landslips or any other cause. The pay should not be under 80 rupees, with 20 to keep two horses, being the same as allowed under Colonel Napier, and which only be given to men for uniform good conduct and of sober habits, and that can be depended upon. At present on the road there are three or four most deserving men.

18. The new road from Narkunda, *viâ* the Darun Pass to Seran, is both tortuous and long, though no doubt of an incalculable benefit to the country through which it runs, still, for purposes of trade, should be more direct, and embracing the principal places; for it stands to reason, produce of all kinds will be conveyed as long as the road is safe and practicable at the least possible expense with reference to distance, and which would, as a matter of course, be by the old and present road from Seran to Rampore and Narkunda, being more direct, considerably shorter, possessing at the same time the indisputable advantage of being passable nearly throughout the year, which the new road never could or would, from the great altitude of the Darun Ghât, fully 9,000 feet.

19. The line of road to Seran would, I conceive, have better answered the means of Government had it been more direct, and embracing Rampore and Koteghur.

20. In addition to the different portions of the road finished, and since Lieutenant Briggs' departure, staging bungalows have been commenced, and completed at the stages, viz., of

1st. Bagir Bungalow, commenced and completed by Captain M.

2d. Kundreela Bungalow, the walls built by Lieutenant Briggs, and completed by Captain M., with chimneys and fireplaces, to be rebuilt and taken down.

3d. Soongree Bungalow, commenced and completed by Captain M.

4th. Balee - ditto - - - ditto - - - ditto.

5th. Nowgurrie, ditto, commenced by Captain M., and nearly finished.

6th. Darun Ghât, ditto - - - ditto.

General Remarks.

In cutting the branch road from Kussowlie (*vide* para. 11), with the main road to Simla, would, in addition to doing away with the present circuitous road from Kalka, would, I firmly believe, shorten the distance to Simla, without any additional expense beyond the cutting of the branch line proposed, being more direct, and at an improved gradient, nearly level, and can be cut in the cold weather, without in any way interfering with the upper works north of Simla, and would in six weeks or two months be completed; for if the distance between the two roads can at all be approximated, the present old road from Kalka, *viâ* Kussowlie Hurreepoor, and Siree, would, I am convinced, seldom or ever be travelled by any one.

Should Government approve and enter into my views with respect to employing free labourers north of Seran, and from Ludak, Kunawur, &c. &c., the sanction of Government I respectfully request may be communicated, and at early a date as possible, for I am now in treaty with the Ludakirs, and would on receipt of the Government order, at once commence the cutting of the road north of Seran, and continue till stopped by the cold and falling of snow, as I have tools and everything in readiness for almost any number of coolies, and would, as I before stated, be the means of bringing the works on the road not only to a close, but complete the opening of the road much earlier, if not in all next year, certainly the following (1856), and towards which Government may rely on my doing my utmost in every possible way; and on the return of Lieutenant Briggs in November or December next, of which intimation has been received, I should much, if meeting the concurrence of the most Noble the Governor-general, like to be allowed to continue on the road in charge and superintendence of the free labourers from Ludak, &c., &c., and by which the completion of the road would be, though emanating from myself, but not interestedly, very materially advanced,

with the permission I most respectfully solicit of being independent, and in no way under the control of Lieutenant Briggs,* as he is very much my junior in the service, and I feel fully competent to carry out the requirements of Government, having had more experience in the construction of hill roads than almost any one of my standing, now nearly 26 years.

My report I would and beg to suggest, being entirely an *ex parte* statement, be submitted to a third party, for consideration, and the satisfaction of Government as to its correctness and throughout, and which will, I trust, fully and creditably acquit me of any degree of tardiness during my superintendence. I regret, much, having incurred the displeasure of Government by the suspension of Lieutenant Pogson, but I respectfully beg to observe, situated as I was, I had no alternative, except that of placing him in arrest, and I adopted, to the best of my judgment, the most lenient measure, for trying to stop the works to answer his own ends and purposes; he was doing an infinity of mischief, and without my being able in any degree to place the slightest reliance on anything he said or did, setting aside the anxiety and trying position I was placed with regard, not only to myself, but the Government works entrusted to my superintendence.

I have, &c.
(signed) G. J. Montgomery, Captain,
Officiating Superintendent, Hill Roads.

ABSTRACT of STAGES and DISTANCES of ROAD from *Kalka*, through *Simla*, to *Chini*.

Number.	STAGES.	TOTAL Length of Road.			Road Completed.			Road to Complete.			REMARKS.
		m.	f.	yds.	m.	f.	yds.	m.	f.	yds.	
1	Dhurrumpore -	10	0	0	10	0	0	-	-	-	Completed.
2	Solan -	10	0	0	6	0	0	4	0	0	Will be in all this season.
3	Kaeree -	15	0	0	5	0	0	10	0	0	- Ditto.
4	Simlah -	15	0	0	14	0	0	1	0	0	- Ditto.
5	Mahasoo -	9	0	0	9	0	0	-	-	-	Completed.
6	Fagoo -	8	0	0	8	0	0	-	-	-	- Ditto.
7	Teog -	8	0	0	7	0	0	1	0	0	Will be in all this season.
8	Mutteenah -	10	0	0	8	0	0	2	0	0	- Ditto, if possible in 1854.
9	Narkundah -	10	0	0	8	4	0	1	4	0	- Ditto, in October or November next.
10	Bogir -	9	0	0	9	0	0	-	-	-	Completed.
11	Kundreela -	9	0	0	9	0	0	-	-	-	- Ditto.
12	Soongree Ghât -	9	0	0	9	0	0	-	-	-	- Ditto.
13	Balee -	10	0	0	-	-	-	-	-	-	Postponed.
14	Nowgurrie -	14	0	0	14	0	0	-	-	-	Completed.
15	Darun Ghât -	10	0	0	7	0	0	3	0	0	Will be completed in 1854.
16	Sirhan -	12	0	0	3	0	0	9	0	0	Progressing.
17	Tarundah -	12	0	0	-	-	-	12	0	0	Not lock-spitted.
18	Nangloo -	12	0	0	-	-	-	12	0	0	
19	Murroo -	10	0	0	-	-	-	10	0	0	
20	Chini -	12	0	0	2	0	0	10	0	0	10 miles by Lieut. Briggs in 1850.

(Signed) G. J. Montgomery, Captain,
Officiating Superintendent, Hill Roads.

* Accounts excepted, which could be sent to the accountant, hill roads, to be included in the monthly disbursements of the road, making at the same time such requisitions for money as may be necessary.

MINUTE by the Most Noble the Governor-General of India,
dated 7 October 1854.

HILL ROADS.

THE report by Captain Montgomery on the Hill Roads in the neighbourhood of Simla, if it proves nothing else, at least will prove the correctness of the previous impressions received by the members of the Government as to the exceedingly illiterate condition of this officer's mind, and the very doubtful probability of his being fit for the duty for which he was recommended to me.

I am in no way satisfied with his management of the roads in the hills, or with their progress; and his present report, where it is not unintelligible, is unsatisfactory on those points to my mind.

I propose to send Captain Montgomery's report in original to the Superintendent of Hill States, with instructions to him to give his opinion on the facts and proposals contained in the report, paragraph by paragraph, with as little delay as possible.

7 October 1854.

(signed)

Dalhousie.

13 October „

J. A. Dorin.

14 October „

J. Low.

J. P. Grant.

(No. 450.)

LETTER from Lord *Wm. Hay*, Superintendent Hill States, Simla, to the Secretary to Government of India, Calcutta.

Sir,

Camp, Phagoo, 19 November 1854.

I HAVE the honour to acknowledge the receipt of your despatch dated 17th October, No. 4522, forwarding, in original, a report by the Officiating Superintendent of Hill Roads, of the progress made on the Thibet and Hindoostan Road since the departure of Lieutenant Briggs, and in accordance with the instructions contained in the second paragraph, to submit my opinion on the facts and proposals comprised in the report, paragraph by paragraph.

To enable me to do so satisfactorily, I have carefully examined within the last 15 days the new road and its branches from Kalka to Mattiana. The remaining portion, as far as the Nowgurri River, I passed over only a few months ago.

2. The road from Kalka to Simla is 56 miles in length (not 50, as stated by Captain Montgomery), of which about 41 had been opened out by Lieutenant Briggs before Captain Montgomery took charge. About 18 miles of this portion of the road have been widened and improved (to a certain extent) by Captain Montgomery. The improvements required on the remaining 18 miles cannot be finished in all this year, for the improvement recommended by Lieutenant Briggs to that part of the road, near Tauk Cliffs, where there is an irregularity in the gradient, has only just been commenced, and will take a very considerable time to complete.

Para. 2.

3. Captain Montgomery in this paragraph states very truly that the road, as far as Dhurinpore, was never opened to a fair twelve feet; he is not however so correct when he asserts that "all difficult high cuttings avoided or lightly passed over by temporary walls, &c." Indeed it is difficult to conceive how Captain Montgomery could have made this assertion with the works at Tauk Cliffs and other parts of the road staring him in the face. The very reverse is nearer the truth, and I do not hesitate to say that few of the important walls erected in Lieutenant Briggs' time have fallen down.

Para. 3.

4. In a letter, dated the 30th September 1852, from Lieutenant Briggs to Captain Montgomery, there is the following passage. The "improvements consist chiefly of cutting off salient angles which are dangerous to traffic, widening the road everywhere to twelve feet, and rebuilding many of the culverts in the re-entering angles. These culverts were built hastily by coolies, and covered some with flat slabs, and others with rough timbers, on which two or three feet of stone wall were in some instances built to bring the wall up to its required level.

level. The weight of the stone-work has in many instances broken the timbers, and the culverts have fallen in; where the stone slabs were used, the openings were too narrow to afford free passage for the torrents of water and silt which fell from the hills, consequently they became choked up, and the water passing over the road soon washed away the whole stone-work of the culvert. The only description fitted for these hill roads, I have detailed at length in my Circular 15, 30th September."

5. From this extract it is clear that Lieutenant Briggs did not consider the road open to twelve feet, and further, that he never attempted to conceal the fact that many of the small drains from a faulty construction had fallen in, and would require to be rebuilt with more care on a different principle.

6. Between Koonda Ghât and Dhurmpore the road has not, I believe, been touched since Lieutenant Briggs left, yet I found almost every wall of any consequence standing. Many of the small drains were choked up; several stone walls had given way, and in many places the road was covered with debris from above; but when it is considered that the road had suffered from the effects of three rainy seasons, it must be admitted that its present condition is highly creditable to the officer under whose superintendence it was constructed, and affords a complete refutation to the assertion that "the road was evidently opened out hurriedly, with the avowed object of being completed any how by a certain time for purposes difficult to divine, except by those interested in its construction."

Para. 4. 7. With regard to this paragraph, I have to observe, first, that it is a mischievous exaggeration to say that almost every retaining wall, bridge, or drain had to be taken down where the improvements have been made by Captain Montgomery.

Secondly. That in some instances walls appear to have been taken down where no necessity existed for so doing.

Thirdly. That so many large walls along the whole line being still in excellent order, is sufficient proof that they were not generally built on insecure foundation, or filled up with earth instead of stone.

Fourthly. I am of opinion that the road was opened by Lieutenant Briggs to an average width of at least 11 feet; and,

Para. 5. Fifthly. That the assertion made by Captain Montgomery, that all the difficult and heavy cuttings were left untouched, or to be finished, is utterly without any sort of foundation.

Para. 6. 8. The branch road from Kussowlie to Dugshai was completed by the middle of July 1852. It suffered on the following rainy season, and many banks above and below, slipped down, but the actual road (for not more than (1) one wall of any importance fell) stood remarkably well. Captain Montgomery cleared the road repaired the walls, but is in error when he states that it was "completed under his superintendence."

9. When Captain Montgomery took charge, about four miles of the Dhurmpore and Kalka road had been opened on this side of Kalka to 12 feet, and about five miles from Dhurmpore had been partially opened to about 11 feet, the rest had not been touched.

Para. 7. Lieutenant Dawson was in charge of this section during the three and a half months Captain Montgomery was in Burmah. The Kolce Bridge, one of the best, if not the best bridge on the whole road, was planned and constructed by Lieutenant Dawson, and is a very creditable work. I gladly avail myself of this opportunity of testifying to the zeal, energy, and ability displayed by this officer in the discharge of his duties.

The road now is sadly in want of repair. Many of the retaining walls have given way, at least one half of the drain bridges are choked up, and in many places the road, for several yards, is scarcely passable, from the slips which have occurred during the rains.

10. The branch road from Dugshai was constructed by Lieutenant Dawson under Captain Montgomery. When the latter officer went to Burmah, in
October

October 1852, this road had not been even commenced. On his return in the following April he found it, with the exception of a couple of miles, finished.

It is by no means a difficult line of road. The retaining walls are not particularly numerous, nor any of them very large. Stone appeared to me to be very abundant along the whole line.

Para. 8.

Captain Montgomery states that a "bridge has been thrown over the Dagra Nuddee, &c." Two high abutments have, it is true, been built, but no bridge has been thrown over. The consequence is, the road has been and is perfectly useless, and will remain so till the bridge is finished; for the nature of the ground in the vicinity will not admit of a temporary roadway.

At present the road is in a miserable state, owing to the numerous slips in the banks above the road, the fall of many of the retaining walls, and the choking up of the drain bridges or culverts.

I had the greatest difficulty in getting my horse along it, and I was warned by several persons not to venture to take a horse along such a road.

The officer in charge of the public works objected, I believe, to take over the road from Dugshai to Subathoo till it was repaired and the bridge over the Dagra Muddee completed.

Para. 9.

I quite agree with Captain Montgomery, in thinking that the "Boileau road," from Kalka to Dugshai, should be at once abandoned.

Para. 10.

First. Because it is longer than the Hindoostan and Thibet line.

	M.	f.	yds.
From Kalka to the Dughshai parade ground, by the Boileau Road	-	-	18 4 132
By the Hindoostan and Thibet Road, from ditto to ditto	17	6	106

Secondly. It crosses a river requiring a bridge of at least 120 feet span.

Thirdly. It passes over steep and crumbling cliffs, which are continually slipping down and blocking up the road.

Fourthly. It is a useless expense keeping up two roads between the same places, even supposing they were equally good; now the Hindoostan and Thibet line must be kept up, so the other should be abandoned.

A company of sappers, under an officer subordinate to the executive engineer, is employed at present on this road, and I would recommend its being removed to the roads connecting the cantonments with Kalka, with orders to widen them to at least 14 feet, and put them in every respect into thorough repair.

12. I am not of opinion that a branch road to Kussowlie is required. The present road is a very excellent one, and not very steep, and I am confident it would always be preferred to a larger though less steep one.

Para. 11.

13. A tunnel through the hill opposite Dugshai would unquestionably be a great improvement to the road; first, because it would improve the gradient, and secondly, because it would considerably lessen the distance between Dhurm-pore and Solun. Captain Montgomery affirms that, from the gravelly composition of the hill, a tunnel would be impracticable; and again, that it is impossible to form any estimate of the probable cost of making one. I would observe, with regard to the first objection, that I doubt whether Captain Montgomery has examined the hill it is proposed to tunnel with any care. I do not believe the hill side has been even scraped, to see what it is composed of.

Para. 12.

Till something of this sort has been done, it is surely premature to say that a tunnel is impracticable. Immediately the nature of the hill has been ascertained, an estimate of the probable expense attending the construction of a tunnel through it, could be prepared, I should imagine, by any engineer of ordinary intelligence.

Para. 13.

Captain Montgomery's observation that a road round the base of a hill is longer than one round the top, is not quite so original as he seems to suppose.

The question of tunnelling depends entirely on the expense. If a tunnel cannot be made without a casing of masonry, the expense would very much counterbalance the advantages likely to be derived from it.

Under any circumstances a gorge might in the meantime be cut to the top of the pass, which would improve the gradient very considerably, and slightly diminish the distance.

14. I cannot say I concur with Captain Montgomery in his opinion that lattice bridges do not answer for India, at least for the hills of India.

Para. 14.

The Kotee bridge, built by Lieutenant Dawson early in 1853, has stood admirably. Troops and heavy baggage have passed over it, yet, since the day it was put up, it has not stood in need of any repair whatever.

Of the (6) six bridges built by Lieutenant Briggs, four are still standing, and appeared to my unprofessional eye, with one exception, to be in capital order and likely to last for several years to come. The pier of the bridge I have excepted had given way, and no attempt has been made to repair it; but the wood work was sound and in good repair.

The Koonda Ghât bridge was, I believe, blown down, and there can be no doubt that a lattice bridge is not well adapted for a place like the Koonda Ghât, exposed as it is to exceedingly violent gusts of wind.

Another lattice bridge near Simla fell in, but from what cause I am not aware. I should suppose from the piers not having been built sufficiently substantial.

Bridges on the lattice principle are, I should say, where wood is abundant, cheap, easily constructed, and so long as the space does not exceed 60 feet, strong and durable.

Para. 15.

15. The road from Simla to the Mahasser bungalow is, as far as the spot where it meets the old road, open to about five feet, and in good order; from that point to the bungalow it is very narrow, and in places blocked up by landslips.

2d Stage.—The greater part of the road from the Mahassoo bungalow to just below the old Phagoo bungalow, was opened to six feet by Lieutenant Briggs; it is in very bad order now, not having been touched for nearly two years.

3d and 4th Stages.—The new line of road is open from a spot where it cuts the old line, about four miles from Phagoo to within (5) five miles of Muttiana. From this point to Muttiana the greater part of the earthwork has been opened, but owing to intervening cliffs the road is not passable. These cliffs will take 300 men about four or five months to get through.

The cliffs between Phagoo and Theog will take 300 men about two or three months to finish, so this portion cannot be opened this year.

About half, I believe, of the road now in use was opened by Lieutenant Briggs, and the remainder by Captain Montgomery.

5th Stage.—This portion of the road will be opened, if the snow does not fall for the next month, this year.

The Muttiana cliffs are certainly very formidable; they are composed of solid hard rock, through which a road could only be cut by blasting.

I must not omit to observe that the completed portion of the road to Narkundah has suffered severely from want of care being shown to repairs; some of the largest retaining walls have been undermined by the water having been allowed to run down the centre of the road.

6th Stage.—To Bagu, the road is open all the way, and in very fair order.

7th Stage.—To Kundrella, ditto, ditto.

8th Stage.—To Soongur, ditto, ditto.

9th Stage.—To Baloe, the road has not yet been lock-spitted. I hope it will be commenced next season.

10th Stage.—This part of the road is very accurately described by Captain Montgomery.

11th Stage.—I have not seen this section, but I understood the road has been opened to five feet nearly all the way to Darun.

The bridge over the Nowgurri was in good order when I saw it, but I have heard that it suffered during the rains. It is constructed of the red pine instead of keloo, which ought to have been used, as it was to be got at Balti in great abundance.

Sufficient space was not allowed for waterway, and I should not be at all surprised to hear the bridge being carried away in a flood. Exposed to rain and snow, the red pine wood cannot be expected to last very long.

12th

12th Stage.—About a mile and a half of this stage has been opened.

16. I doubt very much whether a single Ladakee could be got to work on the road for four annas a day. They are a lazy people, and would find the work on the road too severe to be at all agreeable to them. I do not see, however, why an attempt should not be made to induce contractors to open portions of the road. One or two individuals have offered to contract for the easier parts of the road, and I think the contract system should be introduced and encouraged as much as possible.

Employment of
Ladhakces.

17. The Bussahur State could, I think, furnish 100 or 150 additional coolies for the road without any difficulty, if Government would consent to forego the moiety paid by that state. The revenue of the Bussahur State does not amount to more than 26,000 or 27,000 rupees, while the pay of 500 coolies at one anna a head amounts in the year to no less than 11,160 rupees, a very large sum compared with the resources of the state; and I have little doubt but that the Rajah does his best to reimburse himself by exactions from the zemindars in the shape of revenue, which render the road exceedingly obnoxious in their eyes.

Para. 16.

Amount of annual
tribute paid by
Bussahur State is
3,945 rupees.

The quotas of several of the other states might I think be increased if Government would agree to forego a portion of the moiety recoverable from them.

I beg to submit a statement showing the increase I would propose :—

	PRESENT.	PROPOSED.	
Puttiala - - - -	150	150	
Keonthul - - - -	150	200	* 100 to be paid by Government.
Joobul - - - -	75	100	* 50 " "
Koomhursein - - - -	50	75	* 25 " "
Bhujjee - - - -	35	50	* 25 " "
Bussahur - - - -	500	650	* " "
Turroch - - - -	25	35	* 10 " "
Kotkhai - - - -	45	45	
Kotgurh - - - -	10	10	
Kooloo - - - -	300	300	
Mundee - - - -	100	150	
Sukeyt - - - -	100	150	
	1,540	1,915	

* The remainder to be paid, half by Government, half by Hill States.

This would give an increase of 375 coolies a day available for work north o Simla.

18. The Mundee and Sukeyt coolies did not attend at first on account of the heavy rains. Their subsequent attendance has not been very regular, and I have addressed the Commissioner of Trans-Sutlej States on the subject.

On the requisition of Captain Montgomery I have made two advances of 2,000 rupees each on account of these coolies, and for which I request that you will solicit the sanction of the Governor-general in Council.

19. Captain Montgomery complains that the quotas of coolies furnished by the Hill States have been on an average deficient to the extent of 20 per cent. I am not able, from the absence of returns, to test the accuracy of this statement, but I am inclined to think the average deficiency a little overstated. Captain Montgomery has not, I am sure, included in his calculation coolies employed in the conveyance of stores, gunpowder, and baggage of officers passing to and fro. I do not attempt to deny that the quotas are frequently short of their number, and in order to ensure greater regularity, I have fined the Hill Chiefs four annas for each absent coolie.

Deficiency of
coolies.

To show that in spite of the deficiency complained of, Captain Montgomery has been pretty well supplied with coolies during my incumbency. I have the honour to submit a memorandum of the number of coolies furnished by the Hill States during the past (4) four years.

1850	}	672,000	{	-	-	-	-	-	336,000
1851				-	-	-	-	-	336,000
1852	-	-	-	-	-	-	-	-	245,000
1853	-	-	-	-	-	-	-	-	350,000
1854 to October	-	-	-	-	-	-	-	-	385,000

By the end of the year not less than 450,000 will have been furnished.

Para. 17.

20. In my letter to the Under Secretary to Government, dated 19th January 1854, on the subject of the repairs of the Hindoostan and Thibet Road, I gave my opinion that the repairs of the Thibet and Hindoostan Road should be entrusted to European overseers, subordinate to the Superintendent of Hill Roads, stationed at first about 30 miles apart, and assisted by a staff of sappers at the rate of one for every five miles.

The Illaquadars should be required to furnish 25 coolies for one week, at the requisition of the Superintendent of the Roads, where coolies in greater numbers, or for longer periods, may be required, they should be obtained through the Superintendent of Hill States.

The staff pay of an overseer would be about 30 rupees a month. The sappers would receive their regimental pay, &c., and the cost of repairs, inclusive of tools, &c., could never amount to more than 40 rupees a month for 30 miles, as the road settled down, the overseers' divisions might be extended; but for the first year or two I do not think they should be more than 30, or at the most 40, miles in length.

21. With regard to the roads connecting the hill cantonments with each other and the plains, I think it would be infinitely better if they also were left under the Superintendent of Hill Roads.

In the first place, he will have far more time to devote to looking after them than the executive engineer of the division stationed at Amballah.

Secondly. The Superintendent of Roads is pretty certain to be more experienced in the art of making and repairing hill roads than the ordinary run of engineers, few of whom have ever even seen a hill road.

To give an instance of how likely the repairs of the road are to be mismanaged, I may mention that the repairs of the road from Dhurmpore to Dugshai, about five miles, have been given in contract to an ironsmith residing at Amballah, for 1,100 rupees a year. Now it is impossible to put and keep this line of road in proper repair for anything like this sum, and unless some other means are taken for doing so, it will very speedily fall into disrepair.

If the Governor-general in Council be pleased to approve of all the roads in the hills constructed on the principle of the Hindoostan and Thibet Road, being placed under the Superintendent of Hill Roads, I would suggest that Lieutenant Scott and his company of Sappers be at once transferred from the Boileau road and placed at his disposal.

Para. 18 and 19.

22. I think a road connecting Kotgurh and Rampore with the present line a great desideratum, as long as Rampore is the great mart for the sale of Pushum wool, &c., the traffic of the hills will centre there. Besides, if a road was made from Narkunda *viâ* Koteghur, and the valley of the Sutlej, it would be much frequented by traders from Kûlû, who would, after crossing the Sutlej under Komharsem, either carry their merchandise to Rampore, dispose of it at Kepoo, (under Koteghur) or take it to Simla.

A road might also eventually be made from the banks of the Sutlej, under Komharsem, to Sultanpore, in Kûlû, which would be of incalculable benefit to the traders of Lahail Piti and Kûlû.

Before, however, commencing any new line, I would complete the present one *viâ* the Darun Ghât. It is true it crosses a pass nearly 9,000 feet above the level of the sea, and therefore cannot be frequented for some three months in the winter. But in these months the whole traffic of the hills is suspended by the severity of the winter season.

Para. 20.

23. When I visited the road north of Narkundah during the rainy season I found the Bali bungalow nearly finished.

The

The Kundrela (Tootoo Pain) bungalow also quite habitable.

The Soongree was roofed in, but not finished.

The Balie bungalow was habitable, but not completed.

The Nowgurri River and Darun Ghât bungalows were just commenced.

24. General Remarks.—I have already stated that I do not consider a branch road from Kalka to Kussowlie much required. It appears to me that the whole energies of the Superintendent of the Roads should be directed to thoroughly repairing and improving the present lines south of Simla.

I would most strongly recommend the direct road from Simla to Kalka being widened to 14 or 15 feet, particularly where the cliffs are precipitous; when this is done, but not till then, there will be no difficulty in running carts on the road for conveyance of baggage, stores, and merchandise.

The coolies furnished by the states of Pattiala, Hindore, Sirmoor, Khyloor, &c., together with the company of Sappers under Lieutenant Scott, might be employed during the whole season in improving this line, and by next season we should have a road broad enough for camels and carts.

I would also suggest the Superintendent of Roads being directed to construct a pattern cart, to be used on the Thibet and Hindustan line.

In a former para. I have said that I did not think Ladakhees in any great numbers could be induced to work on the road for 4 annas a day. If the experiment was tried, I would rather see it undertaken by Lieutenant Briggs than Captain Montgomery. Employment of free coolies under Captain M.

I have endeavoured to give a faithful account of the Hindustan and Thibet Road, and of the progress made on it during the last two years. It is not very satisfactory, considering the means at Captain Montgomery's disposal; and I attribute this result to a want of system, and very much to the little confidence which Captain Montgomery places in his subordinates.

If Lieutenant Dawson had been left in charge of the line from Dugshai to Subathoo, when Captain Montgomery returned from Burmah, it would have been finished, bridge and all, a year and a half ago.

The want of system with which the work has been generally prosecuted has been shown in the incessant moving of large working parties, with their overseers, from one part of the road to another, involving a very great expense to the state, as well as to the officers and their subordinates, employed on the road. Besides, the overseers lose all interest in the road if they are liable to be removed in a week from any particular work which they have been directed to undertake.

The work done by Captain Montgomery since Lieutenant Briggs left consists of,

1. Repairing and partially improving about 18 miles of road between Simla and Koondah Ghât.
2. Repairing road from Kussowlie to Dugshai.
3. Constructing road from Dhurmpore to Kalka, with the exception of four miles on this side of Kalka, and five partially opened from Dhurmpore.
4. Constructing a road from Dhurmpore to Subathoo Bridge over Dagra Nuddee, unfinished.
5. Opening about eight miles of road between Mahassoo bungalow and Mattiana.
6. Partially cutting through the Mattiana cliffs.
7. Opening about 10 miles of road from Balie to Nowgurri.
8. Building the Nowgurri Bridge.
9. Lock-spitting the road from Nowgurri to Durun, and opening to five feet some five or six miles of it.
10. Opening one and a half miles of road between Darun and Sarahun.
11. Building and nearly completing four bungalows, and commencing two others.

I have, &c.
(signed) *W. M. Hay*,
Superintendent, Hill States.

P.S.—The original enclosure of your letter is herewith returned.

(signed) *W. M. Hay*,
Superintendent, Hill States.

REPORT on the Operations connected with the Hindostan and Thibet Road,
from 1850 to 1855.

UNDER instructions from the most Noble the Governor-general of India, I proceed to lay before the Government a detailed account of the operations connected with the Hindostan and Thibet Road, from the date of its commencement in 1850, to the present time. With which will be incorporated any reports of general interest, which may have been submitted by me to Government during that period. And as this document would be incomplete, unless it afforded information as to what still remains to be done to facilitate the intercommunication of countries, between which nature has imposed such gigantic barriers as the Himalayahs, I shall, in conclusion, give an approximate estimate of the probable expenditure in time and money, as far as can be deduced from an examination of the country, and the data afforded by previous operations.

2. In the spring of 1850, a variety of circumstances combined to attract the attention of the most Noble the Marquis of Dalhousie, Governor-general of India, to the oppressive practice of "begar," or forced labour, prevalent in the protected Hill States, which occupy that portion of the Himalayahs situated between the rivers Sutledge and Jumna.

This species of serfdom had been general throughout these principalities from time immemorial, and was doubtlessly introduced, not only as a substitute for revenue in the absence of other means of taxation, but because the exigencies of the chiefs required the entire disposal of the time and labour of their subjects in peace, as well as in war. As long as the chiefs were solely dependent upon their subjects for support, and were only preserved by their help from the encroachments of their warlike neighbours, the union between them was such, as to ensure the subject a certain amount of consideration from his chief; else would the subject transfer his allegiance to another and more politic master. Since, however, the British Government extended its protection to these states in 1815, these relations have changed; and the serf being no longer necessary to the safety and support of the chief (these being sufficiently guaranteed by the paramount power of the British Government), has lost the balance of power he formerly possessed. Without dread of interference (which the nature of our political relations precludes), the chief may now at his pleasure, increase his demands upon the time and property of his subjects. True it is, the latter may appeal against his oppression to the Superintendent of Hill States, but from the nature of existing treaties, that officer has in general no course to pursue but to refer the case back to the chief against whom the complaint lies; with what hope of obtaining justice for the oppressed, I need not say. Thus "begar," or unremunerated forced labour, as the term implies, is a system of the internal government of the Hill States.

3. In 1815, Sir David Ochterlony, finding the Hill States impoverished to an immense extent by the protracted invasion of the Goorkas, thought it sufficient to impose upon the chiefs whose countries he restored, a recognition of our paramount authority in the shape of a trifling annual tribute, and the duty of providing begar, whenever the exigencies of the state required it.

And foreseeing with his wonted sagacity the only means by which the condition of the inhabitants of the fertile vallies embosomed within the Himalayahs could be ameliorated, he added to the engagements of each chief the obligation of constructing roads, 10 feet wide, in whatever direction the British Government should desire them, within their own chiefships. For 35 years, or up to 1850, this last condition had remained a dead letter. With the exception of slight improvements made in the different hill paths, communicating with the residences of the several chiefs and Simlah, these improvements, except in a few instances, effected no change in the mode of carriage throughout the hills; as they were confined to the widening of old pathways, adopted before the employment of beasts of burthen had been thought of by the hill-men, and were consequently of a gradient impracticable to all but themselves.

The second condition had therefore of necessity been more generally exacted, as the exigencies of the British Government within these states became yearly greater. When the Sanatoria of Simlah, Subathoo, Kussowlie, and Dugshai, (which have proved of such inestimable benefit to thousands of Europeans), were established,

established, great and continuous was the demand for labour in all shapes. In the absence of other carriage, thousands of porters were yearly required for the conveyance of Government establishments, invalids, and their numerous servants; troops and camp followers; supplies and merchandise, from the plains to the Sanatoria; and thousands were again required a few months afterwards to convey the same down again. Barracks were required for the troops; hospitals for the invalids; and materials for their construction had to be brought, by the unassisted efforts of men, from glens and mountains ten miles in the interior. To assist in these laborious tasks, the people of the plains were found to be perfectly unfit. The long rugged ascents, and narrow tortuous footpaths of the hill-men, were scarcely practicable to them under any circumstances, wholly impossible when laden. Thus the whole duty fell upon the scanty population of the Hill States, and heavy and grievous was the burthen. "Begar" was claimed by their own chiefs; begar was an obligation owed us by their treaties of 1815; and although, to the credit of our Government be it spoken, they never were called upon to work without receiving remuneration, yet what amount of wage could remunerate a man for being dragged against his will from his home and family, without warning, without consideration (for what Government native official has consideration when armed with his master's warrant), to a distance of many days' journey; there to wait weary days, without shelter, without his usual food, until his services were required. Then to be laden as a beast of burthen, to be insulted, to be buffeted by the low dependents of an European master, until the time of his slavery was accomplished; when he was suffered to depart, with feelings mortified and wounded, to his distant valley. There perhaps to find, that seed time or harvest had passed during his absence, and no provision been made for his unhappy family.

It might be supposed that the influx of large sums of money, within a limited period, must have tended to enrich the population, and so reconciled them to the evils of "begar." But, as previously shown, the system of our political relations with the chiefs allows of an "imperium in imperio," and thus deprives the subject of any protection against the tyranny and malpractices of the native authorities of the states to which he belongs. The consequence is, that no amount of care on the part of the disbursing officer insures to the "begar" the permanent possession of the wages paid to him. I have been assured by the late Superintendent of Hill States, Mr. William Edwards, that having on one occasion a large sum to disburse to subjects of the Hindoor States he attended in person, and saw the money put into each man's hand, notwithstanding which, he afterwards discovered that the hardars of that state took from the unfortunate men all that he had been so careful that they should receive.

4. Besides the cruelty of the system, it was to our Government a most expensive one. I have learned from the Superintendent of Hill States, that the sums disbursed on account of the carriage of the Government establishments from 1820 to 1852, to and from Simlah, amounted to seven lacs of rupees. The cost of the barracks and other buildings for one regiment at the Dugshai Sanatorium, has amounted, I understand, to six lacs of rupees. Taking the same sum as the cost of each of the other sanatoria of Kusowlie and Subathoo, and one lac of rupees for the other buildings, the expenditure on public works within the Hill States has probably not been less than 19 lacs of rupees.

From personal experience I will venture to state, that the chief items of expense in these works was carriage of materials; and yet there is no country in the world where building materials are more abundant; stone, lime, and wood exist in profusion within a circuit of 10 miles, and all that was wanted was the means of carrying it.

To the officers and servants of the Government, who annually visit Simlah and the neighbouring sanatoria for the recovery of their health, or on duty, and average about 500 persons, the cost of the journey, and the high price of supplies, becomes to many a most serious consideration. The cost of the transport of stores and supplies from the plains to Simlah, a distance of 42 miles, averages about three rupees per hundred weight; a sum which ought to suffice for the carriage of the same weight for a distance of 1,000 miles.

Had carriage roads been at once constructed, Government would have saved 50 per cent. upon the past outlay, which, as will be shown hereafter, would have sufficed for the construction of 500 miles of carriage road, and the servants of

Government, with their families, who have visited the hills, might have returned to their duties with renovated health, purchased at a less ruinous cost.

5. It remained for the most Noble the Marquis of Dalhousie to initiate arrangements having for their object the construction of roads, that would admit of the transport of baggage on four-footed animals or carts, and thus render the agency of human beings in employments so degrading, unnecessary.

And with this view his Lordship, in the spring of 1850, sanctioned the commencement of a road, which leaving the plains in the neighbourhood of Kalka, 36 miles from Umballah, should ascend to Simlah, having branch lines to the stations of Dugshai, Kussowlie, and Subathoo. Further, as a part of the same project, his Lordship directed the continuation of the line beyond Simlah towards Thibet, through the temperate valley of the Sutledge; with the twofold object of affording an easy entrance into the justly celebrated salubrious valley of "Kunawur," and of opening a direct commercial intercourse with central Asia and Western China, and thereby directing into our own provinces the trade at present monopolized by Russia. As it was expected by the terms of the treaties of 1815 that these works, so humane and important in their object, would be effected by the Hill Chiefs, the continuation of the line beyond Simlah was a measure of good policy, as it would have been objectionable to have called upon a few and not upon all the chiefs for assistance; and it would have been but a continuation of the worst feature of the "begar" system, to have demanded the attendance of the subjects of "Bussahir," and other northern chiefships to the south of Simlah, so many miles distant from their own districts.

6. It is here necessary to show that this was the best line that could have been selected between central Asia and Hindostan, whether considered mathematically, commercially, or politically, the more so as it is one that has not been hitherto so generally adopted by merchants as other routes. Viewing Lé on the Indus as the *entrepôt* between Central Asia and Hindostan, we find five different routes from it to the plains, viz. two to the south-west through Kashmir, one to the south through the East India Company's territories of Sahul and Mundee, and two easterly branches of this last through Spiti and Bussahir.

The first two are, according to Cunningham, 350 miles in length. The most westerly crosses the passes of "Namyika," Photo-la, "Pir Panjal," and "Ratanpir," varying from 12,000 to 13,300 feet in height. The other is still more difficult and crosses five passes respectively 16,952', 16,495', 18,125', 14,794', and 10,165', in height. The southern road is 370 miles in length, and crosses the passes of "Sung Sung" (17,500'), "Lunga Lacha" (17,000'), Bara Lacha (16,500'), and Rotang (13,000'). The two more easterly branches are respectively 434 miles and 479 miles in length, the first of which crosses five passes varying from 15,282 to 18,502 feet in height, and the second encounters the same number of obstacles varying from 14,821' to 17,500 feet. The great elevation of these passes necessarily renders the several lines I have named impracticable during many months of the year.

They also, with their corresponding depressions, render even an approximately true mathematical line impossible, and two of them, from lying within a foreign state, are politically objectionable, even had they possessed other superior advantages.

7. But Lé is not the most conveniently situated spot for a commercial *entrepôt* between Central Asia and Hindostan. It has certainly long enjoyed this distinction, but rather on account of the despotic influence of its rulers and the jealous care with which they have directed the trade of Central Asia towards their own territories, than for any advantage the place itself possesses. The chief products of Central Asia are shawl and common wool, borax, sulphur, and churrus. With the exception of churrus, which is brought from Yarkund, each of these articles of export are more largely produced in the districts of "Chang Tang" and "Rudok" than elsewhere. These districts lie 300 miles to the eastward of Lé, so that this distance must be added to the length of the above-mentioned routes in calculating the distance which the produce of Central Asia has hitherto been carried to reach an Indian market through that *entrepôt*. Churrus and a limited quantity of the finest shawl wool come from Yarkund, and find a convenient *entrepôt* in Lé, but not so the produce of Eastern Thibet.

Tea, another important article of trade, is brought entirely from the Chinese dominions

dominions to the eastward. A glance at the map will show how circuitous is the route to Hindostan *viâ* Lé from the Thibetan provinces of Chang Tang and Rudok, and from the productive districts of Western China. It will also show that from the rich mineral and silk-producing provinces of Khoten and Akson, a suppositious line may be drawn through Rudok and Chang Tang to the plains of India considerably shorter than if drawn through Lé, or indeed through any other given point.

The British protected Hill States lie comparatively contiguous to Chang Tang and Rudok, and are bisected by such a line.

There is another line from Thibet to Hindostan used by merchants from the eastwards, that *viâ* the Niti Pass, through the Almorah district. It does not afford so direct a communication with Thibet as the one we have adopted, but is more convenient with reference to L'hassa and Western China. The Niti Pass, however, (nearly 17,000 feet high) will ever prove an insuperable obstacle to regular and active trade. It therefore appears beyond a doubt that the best line between Thibet and Hindostan, whether in a commercial, mathematical, or political point of view, is one from the uplands of Chang Tang through Bussahir and Simlah to the plains near Kalka. Here and here only has the awful barrier of the Himalayahs been pierced and its ramifications threaded by the waters of the Sutluj, so that passes of great elevation do not present themselves, and the mathematical correctness of the line is not impaired. This is the line that has been adopted for the Hindostan and Thibet Road, and I believe that the most sceptical will now allow that it is the best that could have been selected and the best calculated to improve the commercial relations of the two countries. When completed, the keen reproach uttered by Moorcroft thirty-five years ago, will have lost its point and applicability. "The Thibetans," wrote this adventurous traveller, "have their flocks and herds in abundance, provided with wool of peculiar properties, and admirably adapted for the finest manufactures. They have also some natural products of value, salt, borax, natron and gold. They have no manufactures and rear an inadequate supply of food; the latter can be plentifully supplied from the British provinces of India. Whether they shall be clothed with the broadcloth of Russia or of England,—whether they shall be provided with domestic utensils of copper, iron, or pewter, with implements of iron and steel, with hardware of every description from Petersburg or Birmingham, is entirely in the decision of the Government of British India. At present there is little doubt to which the prize will be awarded, for enterprise and vigour mark the measures of Russia towards the nations of Central Asia, whilst ours are characterised by misplaced squeamishness and unnecessary timidity."

8. The project of uniting Hindostan with Central Asia by a great commercial line having been determined on, but before operations had been commenced, Major (now Lieutenant-colonel) J. P. Kennedy, Military Secretary to Sir Charles Napier, then Commander-in-Chief in India, an officer of great talent and European reputation as an engineer, proffered his services as temporary superintendent of the new road. The principles upon which he determined to conduct the duties of superintendence had for their especial object the following results:—

First. The best mathematical line of road, with especial reference to levels.

Second. The construction of the same at the smallest possible cost.

His first care was to obtain accurate information regarding the country through which the proposed road was to run. Reserving to himself the examination of the country to a distance of 40 miles on either side of Simlah, he deputed me to examine the country towards Thibet. The result of our examination was, that no condition of the first principle need be vitiated, but that from the difficult nature of the ground, the second principle would be considerably affected by the scrupulous observance of the first. Major Kennedy considered the importance of the first principle of too much consequence to admit of modification, but I feel confident that greater experience of the astounding obstacles presented to a level road by the Himalayahs, and the number and depth of the inflections, which add so much to its length, would have induced him to admit as a condition of the best mathematical line, economy in distance. At any rate, I have found it necessary in practice to admit of such considerations,

but at the same time have been careful that they should not be allowed to affect the general correctness of the line.

9. To those who have examined the Himalayahs it will be known that they conform to a system of river basins and dividing ridges, generally extending at right angles to the main chain. These ridges, from their numerous subordinate ramifications (each pair of which form their own tributary basin), present to the uninitiated eye a confused mass without system or arrangement. Yet, between each principal artery exists a connected chain of mountains from the snowy range to the plains of Hindostan. Between the Sutluj and Ganges there are four such connected ridges, forming the water-shed lines between the four great rivers, the Sutluj, the Touse, the Jumna, and the Ganges. It requires no demonstrative proof to show that these ridges afford the best mathematical lines for a road, as they present unbroken basis, intersected by no watercourses. If the elevation of these ridges was gradual in its increase, as they approached the main chain, or snowy range, there would be little difficulty in constructing a roadway along their water-shed lines, but the incline is by no means regular; on the contrary, the outline of each ridge consists of a series of rising peaks and corresponding depressions; and it is a singular fact that, in many instances, the ridges are capped, near to where they subside into the plains, by peaks of greater altitude than the generality of those rising from parts of the range nearer the snows. In like manner, the depressions or passes on the ridges are irregular in their elevation, and those nearest to the snows are frequently of less altitude than others on the same range nearer to the plains. It is therefore apparent that if a road was constructed so as to follow the crest of the ridge, it must conform to these rises and falls, and consequently would not be mathematically correct; as the first condition of such a line is, that it shall not rise or fall unnecessarily. A perfect hill road must therefore be laid out with reference to these lowest or "obligatory" points, and, instead of mounting over the intervening peaks, must pass round, or cut through them. Two objections may be raised to the practical application of the above principles. First, the increased length and tortuous course, which is given to the road by passing round, instead of over, such impediments. Second. The necessary destruction of a portion of the hill to afford the roadway, which thereby deprives a part of the hill side of its natural base, and renders the bank above the road liable to slip, and fill up the roadway. Both objections are good, but the first is capable of considerable modification by the judicious construction of the road; and the second continues to exist only until the bank resumes a slope which will admit of the earth remaining at rest.

10. Applying the above principles to our investigations, we selected the line shown in Map No. 1, which accompanies this. The maximum gradient permitted was 1 foot in 33 $\frac{1}{2}$, or 3 feet in 100. In but a very few places have I thought it necessary permanently to increase this gradient, and then only in order to effect a great saving in distance. No permanent sacrifice of principle was admitted to avoid natural difficulties, such as precipices, deep ravines, &c.; but in future operations within the Himalayah, I would recommend that this point should receive due attention, as not unfrequently, a scarcely appreciable deviation from the true gradient will enable the engineer to escape difficult ground, and to effect a reduction of expenditure. In order to show the impossibility of availing ourselves of any portion of the old road, I have, in Map No. 2, given sections of both the old and new roads between the plains and Simlah, which will convey more just ideas of the relative difference betwixt the two, than anything I could write on the subject.

11. It will be seen that the new line leaves the plains in the neighbourhood of Kalka, and gradually ascends, for 14 miles, to a gorge in the extensive range of hills which border the plains, and extend from the Sutluj to the Jumna. On the left lies Kussowlee, six miles distant; nearer, and overlooking the gorge, stands the Lawrence Asylum. To the right is Dugshai, close under which the road winds to the low neck of land which connects the long outer range above-mentioned with the main body of the Himalayahs. Here an abrupt spur thrown off to the eastward, at right angles to the desired direction, renders a tunnel of 1,900 feet necessary. From this the line runs to the next obligatory point near the rich valley of Solon, which it enters at a spot eminently calculated for a large European settlement. It then skirts the southern flank of the
Krole

Krole mountain, and running through the next obligatory point at Kundah, commences an ascent of five miles to Kearee Ghât, passing above the fine valley of Bhagurree. From this it runs nearly level, through the volcanic cliffs of Tara Devi, to an obligatory point within four miles of Simlah, to which it ascends at a gradient of 1 in 25, steeper than any on the whole line, but rendered necessary by the elevated position of the sanatorium. Two and a half miles beyond Simlah, after emerging from the fifth obligatory neck, another rugged spur, running to the south-east, renders a tunnel of 550 feet necessary; from which the line runs at an imperceptible gradient, for 40 miles, to the Nagkundah Pass, 9,300 feet above the level of the sea. From this, skirting the northern face of the massive Huttoo mountain, it holds a level course to the obligatory point under Bagee; from which an easy ascent brings it to the highest point on the line at Kundrelah, which has an elevation of 9,660 feet. Descending to the obligatory Soongree Pass, it turns northward to avoid the snow limit of the Himalayahs, and seeks the valley of the Sutluj. Skirting this at a general elevation of 6,000 feet (temporarily vitiated by the tremendous cliffs bordering the Naguree torrent,) it crosses the Sutluj River above the old bridge of Wangtoo; from which it ascends to the village of Chini, unrivalled for the beauty of its scenery and the salubrity of its climate. Gently descending, in order to avoid the deep inflections of the snow bed tributaries of the Sutluj, it runs through the rich vineyards of Rarung and Akpah, until it again meets the Sutluj, under the town of Soongum and Kanum, renowned no less in the ecclesiastical history than in the commercial estimation of Thibet and Western China. Under Sapooree the line again crosses to the left bank of the Sutluj, now flowing at an elevation of 8,300 feet, and taking advantage of an old bed of that most turbulent stream, 100 feet above its present level, it emerges on the high lands of Thibet, near the Chinese village Shipke; from which, roads as old as the people themselves, run east, west, and north, traversed by baggage cattle of all descriptions. But it must not be supposed that the ease with which I have sketched the direction of the line affords any adequate notion of the extent or nature of the obstacles which oppose the construction of a road. In presenting a summary view of these, I cannot do better than accompany it with such remarks on the geological formation of country as my limited knowledge of the science will permit; for there can be no surer criterion of the natural obstacles which oppose the road engineer's progress.

12. On leaving the elevated plain (composed of loose conglomerate and alluvium formed from the detritus of rocks) lying between the Sewalik range and the outer spurs of the Himalayahs, the line enters a series of indurated sandstone piled in confused masses. The angle formed by the mountain side varies from 30° to 35°. This continues for about five miles from Kalka, when the line enters the basin of the Kossilah and its tributaries, when the slope of the hills becomes less abrupt, so that all the minor spurs have been reduced to terraces for the purposes of cultivation. Higher up, the spurs are capped by masses of granite and other inferior rocks, forming hard and difficult walls through which to excavate a road. As the line approaches the summit of the extensive ridge between Dugshai and Kussowlee, the slope of the hills assumes an angle of 40°; and their composition is generally of broken and detached masses of granite, imbedded in stiff ferruginous clay, frequently intersected with walls of gneiss and overlying beds of indurated sandstone, forming obstacles of considerable magnitude from their excessive hardness and frequent recurrence. Perched above the gorge at Dhurmpoor, at an elevation of 4,900 feet, is an extensive mound of half-baked stratified rock, abounding with fossiliferous remains, especially shells of the *Spirifer Walcotii*, *Gryphæa obliquata*, *G. vergula*, *G. dilatata*, *Podopsis trunculata*, *Turrilitis tuberculatus*, and others, which I have been unable to identify. The formation of the Dugshai hill, and that through which the long tunnel is necessary, appear outwardly to be of granite masses and gneiss walls; but our excavators have exposed thick beds of graphite and marl, which, from their want of consistency and the quantity of water they contain, have considerably retarded the progress of the miners, and rendered a partial lining of the tunnel necessary. On the spur to the north of this tunnel the line runs through masses of yellow sand, argillaceous limestone, and other deposits of the oolitic system. The argillaceous limestone is so regularly stratified as to form perfect rectangular blocks, valuable for building. A white

efflorescence (probably muriate of soda) occurs in the graphite under the limestone. Above this are immense masses of coralline magnesian limestone, of fantastic shape, in places overhanging the road. The Krole Mountain is almost entirely composed of this mountain limestone, full of fissures and caverns. From its toughness and numerous cavities, it is very difficult of reduction, and consequently offers great resistance to the excavators. Between the Krole and Tara Devi Mountain the formation is of clay slate, finely laminated, but much broken. The slope of the hill side is generally about 40°, which renders the cuttings for a roadway heavy. On this, from its southern exposure, no tree vegetation appears to thrive; but the hill side annually produces a valuable crop of natural grass, and further down in the valley, where the detritus has accumulated, much fine cultivation has ensued.

The Tara Devi Mountain is of volcanic origin, composed of several of the primary rocks fused into a conglomerate mass. It appears either to have cooled irregularly, or, after cooling, to have been the scene of fresh volcanic agency, as mass is detached from mass by extensive fissures, the edge of which are not of a sharp or broken appearance, as if caused by fracture from convulsions subsequent to their formation, but rounded as if the masses had been rubbed against each other.

The composition of one such contiguous mass, frequently different from the composition of another, and the fissures are in many places lined with crystals of sulphur, iron, and other minerals. Mounds of black scoriæ are here, as also on the Krole, of frequent occurrence.

Here also a bright vermilion powder, of considerable demand amongst the natives, is found; and at another place, quartz veins impregnated with iron pyrites of a bright golden hue, gave hopes to many of the discovery of a new gold field. Along the whole extent of the Tara Devi Mountain and its neighbourhood, the cliffs are lofty and very precipitous, presenting obstacles of great magnitude to a road.

Of the formation of the ranges between Simlah and the uplands of Thibet I need say little, as they are all of the mica slate and gneiss series, crossed out seldom with any other element interesting to the geologist. This formation is however pregnant with difficulties to the engineer. The mica slate is piled up into precipices of many hundred feet, and the gneiss is exposed in not less precipitous masses of thousands of feet in extent. Neither, from being stratified, are favourable to blasting operations, and both have been already too severely tried to yield to fire and water. Veins of quartz, piercing every description of rock, form a network throughout the whole of this formation. Near Mahasoo, at an elevation of 7,000 feet, an extensive bed of lime rock lies above the slate. At Kundrellah the mica slate is strongly impregnated with iron ore, but this will be more particularly described hereafter, when treating of the iron mines opened out by the road.

Throughout the gneiss and mica slate series the hills are most rugged and abrupt, breaking into extensive cliffs, and intersected with narrow and precipitous glens. The action of the weather on their rugged outlines causes constant demolition, and the consequence is that rocky avalanches of enormous size not unfrequently descend with crushing force, carrying ruin and devastation in their impetuous course. The thin superstratum of soil lying on the sharp incline of the slate hills, in severe seasons, becomes saturated with moisture, and loses its adherence to the slate stratum underneath. It then frequently slides upon its base, and deposits its load of forest trees and surface rock into the glen below, leaving a shelving precipice of bare rock where formerly existed a rich forest.

All these serve to increase the difficulties attending the construction of a mountain road, where the principles of gradients are strictly observed.

13. The preliminaries having been arranged, operations were commenced on the Hindostan and Thibet Road in the month of July 1850. I will not here detail the mechanical operations connected with the construction of the road, but have, in Appendix (A.), given Major Kennedy's excellent instructions on the subject of "Road-making in the Hills." In the manner therein described, a five (5) feet mule-track was commenced at several points on the line. It has been frequently remarked with reference to this road, that it would have been a wiser plan to have finished one portion of the road and opened it to the public,

public, instead of commencing on a number of unconnected portions, unavailable for traffic. The reason is to be found in the nature of the labour employed. Each state furnished its quota of labourers, and as it would have been an unmitigated hardship to have demanded their services at a great distance from the boundaries of their states, they were employed at that point of the line which lay nearest to their homes. Hence the commencement of work on a number of detached portions.

14. Major Kennedy, in his letter to Government dated the 17th September 1850, fully details the means he took to obtain the efficient performance of his duties from every individual employed on the road. That he was eminently successful, admits not of a doubt; but that the sanguine expectations entertained in that letter should be realized, was simply impossible. He then stated that there was little doubt but that the whole line from Kalka to Chini, in the valley of Konawur, might be made passable for loaded animals by November 1850. That is, that a nearly level road, five feet wide, and 200 miles in length, might be constructed through the most precipitous chain of mountains in the world, within a period of four months. Major Kennedy had only inspected the lower hills. He had not examined the two miles of sheer precipice at Mutteeanah; the walls of perpendicular rock lining the Nogurree and Munglad; the Rogee Abyss; or indeed any portion of the line in the rock valleys of Bussahir and Konawur. The work actually constructed within these four months was the opening of 50 miles of an irregular path, just passable for horsemen, between Simlah and Dugshai. Where cliffs occurred they were avoided by temporary ramps, made either over or under them. Twenty-five miles of similar pathway were constructed between Simlah and Chini; but as intervening cliffs were not reduced, no portion of it was available for traffic.

15. I must here observe, that I have learned from experience how erroneous is the system of opening out a hill road to a less width than what is eventually contemplated. I do not mean that no lock-spit should be made, for without it the road would not be kept level; but I object to opening the road first to five feet, then afterwards to 12, and then perhaps to a greater width. In opening the road to a width of five feet the excavators, with great labour, blast and chip off just enough to afford the pathway required, and the debris falls down and fills up the re-entering angles. When it is required to increase the width, the labourers have to recommence to excavate the bank above the former cutting, and to perform the same operation as was required for the five-feet road, only, that the labour is increased in ratio to the increased dimensions of the section. From the accumulation of the debris of the first cutting the natural bank below the road is hidden, and much labour is expended in removing the rubbish to commence the excavations for the foundations of the revetment walls. It is my opinion, that after the cutting of the lock-spit, the intended width of the roadway should be finally determined, and the foundations of the retaining walls laid out and excavated at once. The cutting into the hill side may then be commenced, the fragments of rock being used for the walls as they are dug out. By this means all unnecessary labour will be avoided, the sharp angular turns in the road will be reduced to a minimum, and the foundations of the walls, from being cut out of the unbroken hill side, will be stable.

16. The number of labourers employed in the construction of forty-six (46) miles of Major Kennedy's pathway was 80,966, or an average of 1,730 labourers per mile. The cost, at the market rate of 2 annas per man, would have been 216 rupees per mile. The actual cost to Government, in consequence of the amount of tribute labour at that time supplied, was only 147 rupees per mile.

17. In December 1850, after Major Kennedy's return to England, I commenced the widening of the Simla and Dugshai track to 12 feet; correcting all irregularities of gradient which had previously been allowed, in order to avoid difficult ground; throwing bridges over the principal torrents, and erecting staging bungalows. It was now found that the labour provided by the Hill States in terms of their treaties was such as to render it impossible for the British Government long to avail themselves of it.

Sir David Ochterlony's treaties were looked upon as a dead letter by another generation than that which had benefited by his mild rule; and the chiefs obeyed

with evident reluctance the orders of the Political Agent for the assemblage of working parties.

That officer (Mr. W. Edwards, of the Bengal Civil Service), had been highly instrumental in bringing to the notice of the Governor-general the evils of the begar system, and insisted on the construction of roads as the only means of reforming it. The assessment of the quotas of labourers exigible from each state for the construction of the road was entrusted to his care; and Appendix (B.) will show how careful he was to make it with reference to the size and population of the states, so as in no instance to exceed one per cent., and in few instances half a per cent. of the population. But all his efforts failed to enlist the good-will of the chiefs towards the work, and although from dread of the consequences of disobedience they furnished a considerable body of labourers, they adopted no means for their support, and did their utmost to make the work unpopular with their subjects. The finest sophistry could hardly lead to the supposition that the treaties did not oblige the chiefs to pay the labourers they were bound to supply. For where would have been the necessity for any stipulations in their treaties, if the British Government were themselves to bear the cost of the roads they desired to construct? Yet of the 19 Hill Chiefs who furnished labourers, not one yielded the smallest support to them whilst employed on the road, and ere four months had elapsed, it became evident that the British Government must take the burden on their own hands, if they would not have the work stigmatised, in common with the Mahmondee Canal, or like works, constructed with the blood and sinews of a starving people.

From that time every labourer has received from the hands of Government officials, 2 annas per diem; the market rate at which labourers are paid in the North-Western Provinces.

For a time an endeavour was made to enforce the payment of a moiety of the wage of each party by the state to which it belonged; but after about forty thousand (40,000) rupees had been so obtained during a period extending over four years, from the states as per margin,* it was deemed best to discontinue it, and the British Government have ever since paid, from their own coffers, every man engaged on the work, so that the treaties of protection under which the Hill Chiefs have enjoyed 35 years uninterrupted tranquillity have failed to obtain for the British Government any adequate return for the heavy expense that protection has cost them.

18. It would be tedious to describe each of the many works which were necessary in order to form a nearly level roadway of 12 feet in width, through the difficult country before described. I will merely mention a few of the works of greatest magnitude, plans of which accompanied my report of the 1st October 1852. The most expensive undertaking was the reduction of the extensive range of cliffs which line the western flank of the sacred Tara Devi Mountain. These extended for a distance of nearly two miles, varying from 50 to 200 feet in height. One portion of 400 feet in length was cut down to a depth of one hundred and fifty feet (150'), in order to obtain a sufficient breadth of roadway; another portion, three hundred feet (300') in length, was of such a height and so sheer, that in order to obtain a roadway, the reduction of the cliffs must have commenced three hundred feet (300') above the line of road; to this I preferred erecting a viaduct of two hundred and sixty (260') feet across the precipice. Under Prospect Point, near Simla, a series of cliffs, five hundred feet (500') in length, and averaging sixty feet (60') in height, were reduced by blasting, and a cutting of one hundred feet (100') in length, and fifty (50') in depth, was made through a sharp projecting spur. Retement walls, varying from ten (10') to fifty (50') feet in height, were built in many places. These were constructed of hammer-dressed stones laid without mortar, having a general batta of one-fourth of their height.

I cannot give a better idea of the amount of work performed in opening the 40 miles of road between Simlah and Dugshai to a breadth of twelve feet (12'), than by stating the cubic measurement of each description of work :

1. Of

* Keunthul, Puttcealah, Kombarsea, Bussahir.

	Cubic feet.
1. Of hard rock, reducible only by blasting - - -	5,734,663
2. Of slate, shingle, stones, and earth - - -	14,170,417
3. Of revetment walls - - -	823,893
Total Cubic Feet of Work - - -	20,728,973

The number of labourers employed on this was 348,912; and the cost to the state for labour, Company's rupees thirty-one thousand and forty-nine, annas nine, and pie six (*Co.'s Rs. 31,049. 9. 6.*); there was a further sum of Company's rupees one thousand seven hundred and fifty-five, annas four, and pie six (*Co.'s Rs. 1,755. 4. 6.*) expended on artificers; of which class of labour 5,610 were employed at an average rate of 4½ annas per diem. The cost of superintendence, including all staff salaries, accountant's pay, and overseer's staff allowance, was Company's rupees twelve thousand seven hundred and three, annas ten, pie nine (*Co.'s Rs. 12,703. 10. 9.*)

There were other incidental expenses for materials, books and stationery, amounting to Company's rupees three thousand eight hundred and seventy-seven, annas nine, pie one (*Co.'s Rs. 3,877. 9. 1.*) The cost of tools and powder which were supplied by Government, I have no means of determining. The amount of powder expended was pounds forty thousand (40,000 lbs.). By reducing the above to a mileage denomination, we have, as the average expenditure per mile,

	Co.'s Rs.
On labour - - - - -	776 - -
On artificers - - - - -	44 - -
On superintendence and accounts - - -	320 - -
On contingencies - - - - -	97 - -

or a total expenditure per mile of Company's rupees, one thousand two hundred and thirty-seven (*Co.'s Rs. 1,237.*) Besides the large viaduct mentioned above, eight wooden bridges, varying in span from 30 to 90 feet, of the "American lattice" description, were constructed. They were only furnished with single trusses in the manner of "cattle bridges," as greater strength was not considered necessary. Heavy twenty-four (24) pounder guns, with carriages, were taken over them with safety. These bridges, spanning a length of 662 feet, have cost Company's rupees nine thousand (*Co.'s Rs. 9,000.*) That is, their cost per lineal foot has averaged Company's rupees thirteen, and annas eight (*Co.'s Rs. 13. 8.*) They were constructed solely of "deodar," with oaken trenails. I do not, however, now think that they are well suited for the hills; as deodar is not of a nature to withstand the great transverse strain the component parts of the lattice bridges are subject to; and the tremendous gusts of wind which sweep down the ravines of the Himalayahs, cause much undue lateral pressure upon the trusses. The largest bridge was thus blown down in 1853, but has been replaced, without much additional expense, by another of simpler description.

Staging bungalows, of six rooms, were built at Kearee and Solon, at a total cost of Company's rupees seven thousand three hundred and fifty-five (*Co.'s Rs. 7,355.*)

19. These several works commenced in December 1850, were completed in September 1851, between which periods there were only 248 working days, in consequence of the severity of the winter and the long continuance of the rainy season. In October 1851 the most Noble the Marquis of Dalhousie personally inspected the whole of the completed works.

20. The works since completed to the south of Simlah upon the principles of those just described are roads 12 feet wide, connecting the military stations of Dugshai and Kussowlie, and Dugshai and Subathoo; and the extension of the Hindostan and Thibet Road to the plains, the whole amounting to seventy-eight (78) miles of 12 feet road, constructed upon true scientific principles, through a country unrivalled in natural difficulties. The number of labourers employed has been 626,228, and the total cost on account of labour to Government, Company's rupees seventy-three thousand nine hundred and seventy-one, annas nine, and pie six (*73,971. 9. 6.*); or Company's rupees nine hundred and twenty-two, annas eleven, and pie five (*Co.'s Rs. 922. 11. 5.*) per mile. The widening

of a part of this, between Simlah and the plains, to 16 feet, is now progressing, and ere six months elapse, I have a right to expect that there will be no more difficulty in conveying goods upon waggons, from the plains to Simlah, than there is in conveying them from Allahabad to Cawnpore. Only at one place will the draught be severely felt, and that will exist until the tunnel through the Chewah range of hills is completed. This tunnel (1,990') one thousand nine hundred and ninety feet in length, was commenced in January last, and notwithstanding the unfavourable nature of the hills, which deterred our progress until both entrances were arched with masonry, the gallery is now advanced four hundred feet (400') into the interior. The expenditure on labour up to the present time has been, Company's rupees three thousand (*Co.'s Rs. 3,000.*)

The other heavy works which have been lately constructed, or are now in progress of construction, are, a viaduct of (420') four hundred and twenty feet in length, to correct an irregularity of gradient which had formerly been permitted near Tank Cliffs; another of (100') one hundred feet at Kundah Ghât; and a queen post bridge of (45') forty-five span near Kearee. Besides the widening of the road to a minimum breadth of sixteen feet, a parapet of rubble masonry, coped with turf, is being constructed wherever revetment walls or precipices exist, throughout the whole length of the line. Where the bank is sloping, (oaken) posts six inches thick are set at every ten feet. I intended to connect them with a rail, but the pilfering propensities of the natives have interfered with this.

A dâk bungalow of the largest size is being completed at Dhurmpore, where the roads to Kalka, Kussowlie, Dugshai, and Subathoo diverge.

21. It may be satisfactory to show here the probabilities of the financial success of a carriage-road from the plains to Simlah, or in other words, the probability of the scheme being a remunerative one.

In the first place, the distance by this new road from the plains to Simlah is 56 miles, which upon the opening of the tunnel, and the completion of other improvements, will be reduced to 30 miles. The distance by the old road (which is practicable only for porters, and light laden beasts of burden), is 42 miles. The present ascertained traffic is above 8,000 tons per annum, without calculating the occasional increase consequent on the presence of the head-quarters of the Government at Simlah.

The average cost of transit is Company's rupees fifty (*Co.'s Rs. 50*) per ton. The total annual cost is not probably less than four and a half lacs of rupees. When the new road is fairly opened for carts, this traffic will be doubled, as the potatoe grounds of Mahasoo are as able to supply 9,000 tons of potatoes as they now supply as many hundred weights. The iron of Kotkhai and Shiel may be produced tenfold beyond the quantity now exported, which is 5,000 cwt. The deodar forests of the Putteeallah and Keuntal states may as well furnish timber for the buildings of Amballah as for those of Kussowlie and Dugshai. Simlah will become the entrepôt of hill produce instead of Loodianah and Sirhind, and when railways intersect India, it will be the summer residence of the European public of the Presidency.

Whether the Government retain the transit in their own hands, issue licences, or establish tolls, the annual returns ought not to be less than 15 per cent. upon the outlay.

But Dugshai and Subathoo have yet to be taken into account. The annual cost of transmitting Commissariat stores to these stations is not less than Company's rupees, ten thousand (*Co.'s Rs. 10,000*). A saving of 50 per cent. upon this will at once be the consequence of the establishment of carriage traffic. The present average cost of marching a regiment from Kalka to either of these stations is Company's rupees, two thousand (*Co.'s Rs. 2,000.*)

The cost of the same by means of carts, will be less than Company's rupees five hundred (*Co.'s Rs. 500.*) The outlay at present upon the transit of market goods and private stores is not probably less than two lacs of rupees.

It has been stated by some, that the annual repairs of this road will be enormous. This opinion is proved to be erroneous by the fact, that the roads hitherto constructed are at this present moment in as good condition as they ever were, and the total amount expended in three years on the repairs of seventy-eight (78) miles, has been *Co.'s Rs. 8,312. 15. 5.*, or *Co.'s Rs. 35. 8. 5.* per mile per annum. As traffic increases, it will probably be necessary to metal certain portions of the line, but it is to be supposed that the increased traffic will afford increased income.

But

But far above and beyond these considerations, is the opening out of the fertile vallies of these mountains to future European colonists. Blessed with a climate not surpassed in Europe, possessed of a soil which requires but the labour of man to produce anything; pregnant with minerals of unknown value and extent, abounding in virgin forests, the depths of which have not yet heard the sound of the woodman's axe. All, and far more than the early colonists of America ever promised themselves, is to be found here, where under the blessings of a mild and paternal government, the colonist might increase his store, as fully assured of safety to life and property, as if the scene were in the heart of Great Britain, instead of under the shadows of the mighty Himalayahs. Instead of permitting the old worn-out European pensioner to idle away all that is left to him of life, under the scorching sun of Chunar, it might be worthy the attention of Government to give him a cottage and a spot that he might call his own within some of these elevated vallies; where, with something to occupy his time, he might, under proper superintendence, lay the foundation of an European colony; the youth of which, educated to a military life in the neighbouring "Lawrence Asylum," and "Roorkee College," might furnish our Indian army with recruits as strong, and better educated and acclimated, than the mother country does produce.

22. I will now proceed to show what progress has been made in the works to the north of Simlah, on the line towards Thibet, and should objection be taken to it, I beg that it will be borne in mind that in the Himalayan working year there are not above 190 days.

From the end of November to the end of March it would be fatal to the labourers to be encamped at elevations above 6,000 feet; and again, during the wet season, there are many days when work must be deferred; add to this the great natural difficulties to be encountered; the limited amount of labourers that are procurable from the northern states; the fact that these are changed every fifteen (15) days, thereby entailing on the road-overseers a continual, and most harassing amount of training,—the benefits of which they are never destined to reap; and the frequent desertions of entire working parties at perhaps most critical times; and the wonder will not be how little has been accomplished, but rather, that anything has been effected at all. With the exception of two breaks, of two and three miles respectively, 115 miles of six-foot road are completed.

In this, there is one abnormal portion temporarily admitted in order to avoid the tremendous cliffs which line the Nogurree torrent. A few general improvements are required, but the whole is practicable for laden mules and horsemen. At present, the working parties are pushed forward to Wangtoo on the Sutlej, where I hope they will be able to continue at work during the winter, and by next spring, I expect that but 25 miles will remain of unfinished work between Simlah and Chini, and 60 between Simlah and the frontiers of China.

23. Where all is so difficult, it appears scarcely necessary to particularise special works. There are a few, however, which I will briefly notice. A tunnel, five hundred and sixty feet (560') in length has been driven through a hill two and a half miles north of Simlah, and not the least remarkable circumstance connected with this work is, that it was constructed almost entirely by convict labour. The night-reliefs were alone composed of free labourers, and a few of the same class assisted during the day in wheeling barrows, and in such works as the convicts' chains rendered irksome. In the excavation of this work, 10,000 convicts and 8,450 free labourers were employed. At the market rate of labour, it would have cost Company's rupees one thousand and fifty-seven (*Co's. Rs. 1,057.*) but as a certain amount was furnished as "tribute," it only cost Company's rupees three hundred and ninety-one (*Co's. Rs. 391.*) A further sum of Company's rupees two hundred and twenty (*Co's. Rs. 220.*) was expended on artificers, so that the total cost of the tunnel to Government, was Company's rupees six hundred and eleven (*Co's. Rs. 611.*) The period occupied in its construction was twelve months. Considering the valuable work thus obtained from convict labour, I cannot refrain from expressing my disappointment, that since the completion of this tunnel, I have been wholly deprived of the services of the few prisoners that were employed on it.

The next heavy works are the cliffs under Phagoo, which have been cut down to a depth of one hundred and twenty feet (120').

Between Theog and Mutteeanah three strong and handsome viaducts have been erected; one of these is two hundred and twelve feet (212') in length. Beyond Mutteeanah, the tremendous range of cliffs which extend at intervals over a mile and a half, have been cut down to the depth of one hundred and thirty feet (130'), so that a ten-foot road now runs through this range of precipices where formerly a goat could not have found standing room. From Bowlee to Thedah, the road is carried for five miles through one continuous range of cliffs. Before reaching Serahun, it passes through the fearful precipices that overhang the Munglad, and beyond Serahun it is cut for half a mile through a sheer mass of rock.

The number of labourers employed upon these works has been 883,564, the cost of which, after deducting Company's rupees forty thousand (*Co's. Rs.* 40,000), as stated in paragraph 17, to have been subscribed by four states, has been Company's rupees, seventy-seven thousand six hundred and eighty-five (*Co's. Rs.* 77,685), or Company's rupees seven hundred and six, annas three, pie seven (*Co's. Rs.* 706. 3. 7.) per mile.

The expenditure on material, with the exception of powder, has been trifling; of this, 60,000 *l.* have been expended. Eight staging bungalows have been erected at a cost to the State of *Co's. Rs.* 9,990. 5. 7.

24. A few remarks upon the material used in the construction of the road works, and found in the neighbourhood of the line, do not appear to be irrelevant to the subject of this report; and first, with reference to building timber.

It appears to be a normal condition of the Himalayan forests that they shall have a northern aspect, the flanks of the mountains facing that quarter being alone covered with tree vegetation. So much is this the case, that a traveller from the southward is at first impressed with the barren appearance of the mountains, and the utter absence of forest scenery. When, however, he has penetrated further into the interior, and turns his face southwards, he is made aware of the erroneousness of his first impressions, by the extensive breadths of dark pine forests he finds he has passed. To account for this singular fact, several reasons may be adduced, although none appear wholly satisfactory. It may be from the accumulation of snow on the northern flanks during the winter, which protects the young plants from the severe frosts, and affords an inexhaustible supply of moisture during the summer; or perhaps from the general dip of the strata being towards the south, from which those slopes have an even and regular declination, but retain no depth of soil, from the facility with which it is washed off; whereas, from the disintegration of the northern exposed edges, deep deposits accumulate, receiving yearly increase in depth and richness, from the debris of decayed vegetation. So rich does this soil become that at elevations between 8,000 and 12,000 feet, some of the most delicate of European vegetables and flowers are naturally produced. Asparagus, celery, rhubarb, strawberries, gooseberries, raspberries, scented violets, primroses, potentillas, anemones, cowslips, are all numerous.

From the Hindostan and Thibet Road, following the left or south bank of the Sutlej, it necessarily passes through several extensive forests, but the majority of the trees furnish timber of little value, except as fuel. The immense forest extending from the Shallee Peak in the Bujjie State, to Turandah in Konawur, (a distance of at least 100 miles), does not contain one tree in a thousand capable of yielding good durable timber. Within this distance there are a few patches of pinus-deodar, than which there can be no finer timber; and at a lower elevation many strips of pinus-longifolia fit for deal boards and battens; but the mass of the forest is of pinus-excellsa, and abies-Smythiana, the timber of which much resembles that of the spruce fir of Europe, and is of little use except for fuel. From Turandah upwards, the pinus-deodar becomes more abundant, and when approaching the arid uplands of Thibet, it, with the pinus-gerrardiana, (the neoza, or edible pine) forms the general tree vegetation.

Without stopping to notice the deodar forests of the Puttealah, Keunrhul, and Kotee chiefs within ten miles of Simlah; out of which have been built the Sanataria of Dugshai, Kussowlie, Subathoo, and Simlah, and which, from the short-sighted rapacity, and negligence of the chiefs, have been ruthlessly destroyed and not replanted. I shall briefly mention the position and extent of
the

the other patches of deodar, which I before stated occur occasionally on the left bank of the Sutluj, before reaching the comparatively high point of Turundah on that river.

Near the summit of the Shallee Peak there are some 800 trees of large dimensions growing at a general elevation of five thousand feet (5,000) above the Sutluj, and separated from it by five (5) miles of a rough descent.

At Kotegurh there is a young healthy strip of forest, which, however, is not likely to prove more than sufficient for the local demand.

In several of the deep vallies between Kotegurh and the neighbourhood of the Soongree Pass, at Bowlee, and at Dhurun; all stages on the Hindostan and Thibet Road, there are several groves of deodar, but all of limited extent, and held sacred by the villagers as their household gods. These all exist at very long distances from the Sutluj.

Besides these patches, there are of course many individual trees of deodar amongst the dense mass of inferior pines; but they are in no place sufficiently numerous to deserve special notice, and can only be discovered after considerable search. The same forests also produce walnut, maple, horse-chestnut, hazel, several cedars, and two oaks, (*Quercus incana*, and *Q. semicaspifolia*), the timber of which is tough and durable. It is little used by the hill-men on account of the difficulty of working it; and the crooked nature of the tree rendering it not easily adaptable for building purposes. I consider this timber as peculiarly well adapted for railway sleepers, and carriage, and waggon trucks. Appendix C., gives the weight per cubic foot, and transverse strength of deodar; *P. longifolia*, and the two kinds of oak as experimentally determined at various places on the road.

It is not until reaching Turundah that the deodar becomes sufficiently abundant, within a moderate distance of the river, to suggest the possibility of floating the timber down to the plains. The rocky nature of the bed of the Sutluj within the hills, and the rapidity of its fall, has until lately been held to render improbable the success of any attempt to float timber from a high elevation. But an experiment commenced by Mr. Edwardes, and carried out by Lord William Hay, has proved the possibility of doing so, and although the result of the experiment was not satisfactory in a financial point of view, this was attributable to causes which I believe to be remediable.

The great fact of the possibility of floating timber, of almost any dimensions, from a high elevation on the Sutluj, to a point where rafts may be constructed, was proved. The following were the causes of the want of success in a pecuniary point of view.

First. The difficulty of transporting the timber from where it was felled to the river, in consequence of the precipitous nature of the country.

Second. The perishable nature of the timber floated down, four-fifths of it being *P. longifolia*.

Third. The unnecessary delay of two years in forwarding it to Ferozepore, arising from the timber having been cut too late to take advantage of the floods in the Sutluj, without which there was not sufficient water to float them down, and,

Fourth. The want of a proper establishment at Belaspore, where the current becomes sufficiently easy to allow of rafts being formed.

The first of these difficulties, and the only one I consider necessary to notice, I would remove by the erection of a slide between the forest and the river. Turundah itself is not suitable for such an arrangement, as the forest is not sufficiently extensive, and the ground between it and the river is too precipitous. The capabilities of Nachar (the next stage) are far greater. There are two forests in that neighbourhood; one to the south-east, consisting of 900 splendid trees, averaging in girth nine and a half feet, and in height 115 feet. The maximum girth measured was 24 feet, the minimum four feet. Trees of greater dimensions exist, and even reach the enormous girth of 37 feet. The other forest is immediately above the village of Nachar, and contains 20,000 sound trees, averaging in girth eight feet, and in height 110. The direct distance of these forests from the river is 20,100 yards, the first 800 yards of which is at an average slope of 20°; the next 500 yards are at 22°, and the last 800 (down to the river's edge) vary from 35° to 40°. I was apprehensive that these last gra-

dients would prove too steep for the efficient working of a slide, but I have since constructed an experimental slide at an angle of 40° , and found it to answer every requirement. The frequency and depth of the inflections render a diagonal line along the hill side impossible. I now feel perfectly confident of the success of this scheme, which I recommended to Government in 1852. The probable cost of the erection of the slide would be 10,500 rupees, and the Ferozepoor value of the timber which might be daily sent down by it, from May to September (whilst the river is flooded) 3,000 rupees.

Three lacs' worth of the finest timber, of a scantling fit even for the Bombay market, might be annually supplied by such an arrangement during the next seven years. The selling price at Ferozepoor, for building timber of deodar is 12 annas per cubic foot. I will warrant, should Government be pleased to approve of my suggestions, the delivery at that point on the Sutluj, of any quantity of prime wood at four annas per cubic foot.

But before sending down timber to be used in the Punjab, where it is exposed to the ravages of the white ants, I would recommend the precaution of rendering it impregnable to their attacks by the infusion of some antiseptic substance into the sap of the growing tree. Appendix (D.) gives the result of four experiments made by me during the past year, which it will be seen were entirely successful.

Fifteen days sufficed for the impregnation and destruction of the growing trees; they were felled, and on being sawn up the sulphate of copper, with which they had been destroyed, was observed to have coloured almost every portion of the timber. Four logs were sent to Captain Johnson, Assistant Quarter-master-general at Umballah, who, in the beginning of July had them buried, with four unimpregnated logs, in a spot swarming with white ants. They were dug up in November, having been four months underground, when it was found that all the unimpregnated timber, with the exception of one log of deodar, was more or less destroyed; whilst the impregnated logs, with the exception of one in which the infusion had not penetrated the "alburnum," and which was consequently slightly excoriated by the insects, were in perfect condition. The fact of the infusion refusing to pass by the "alburnum" is remarked by Lindley—*Introduction to Botany*, vol. 2, p. 326.

The probable cost of thus insuring the durability of the timber will be half an anna per cubic foot, if impregnated with sulphate of copper and salt, or one anna if with sulphate of zinc.

Before leaving this subject I am desirous of pressing on the notice of Government the necessity for making arrangements for the purchase and preservation of the deodar forests of the Himalayahs, bordering the Sutluj, Pabur, and other rivers. These, with scarcely an exception, exist in independent states to which we accord protection. It is a remarkable fact that more than one of the chiefs of these states owe their positions to our generosity, rather than to any right derived from birth, and yet there are no more rapacious dealers in any market when they find that the Government are in want of any article they possess. Should Government direct a revision of their "sunnuds" with a view to increase the tribute they pay, these chiefs would represent their estates to be nearly worthless. But if within their chiefships the Government should require a barren hill for a sanatorium, the price demanded would be such as might be asked were the ground as productive as the wheat fields of Kent.

The forests of the far Himalayahs are profitless to the chiefs, and consequently neglected. The natural grasses underneath are of more value to the villagers of the neighbourhood than the tall pines above, which shade them, and check their growth. Fire strengthens the grass, and removes the offending giant trees, and thus whole forests fall before the improvident brand of the hill-man.

The Nachar forest shows a belt of dry sticks and blackened stumps 500 feet wide, and 2,000 feet long, where, but a few years back existed some 3,000 noble deodars. But let a Government official express a wish for but one tree, and the price demanded would be such as to startle the most uncompromising advocate of "free trade." Far in the interior of one of these states I lately required for the public service a few trees of *P. excelsa*, from a very extensive forest, for charcoal; and although the timber of this tree is absolutely worthless, the price demanded was equivalent to that obtained in Simlah for the best deodar. I observe, as one of the causes of the pecuniary failure of Mr. Edward's scheme for floating down timber, that the Rajah of Bussahir charged Government two rupees per tree for the common *P. longifolia*,

P. longifolia, cut in the virgin forests of Konawur, which, even in the neighbourhood of the Simlah market, would not have been worth half that price.

Were Government now pleased to express a desire to cut timber in the Nachar forests, I feel confident that, however worthless they are at present to the Rajah of Bussahir, the sum he would demand would be almost prohibitory, as far as the success of the scheme financially considered. I would, therefore, earnestly solicit permission to ascertain accurately the extent and value of the best deodar forests on either side of the Sutluj and Pabur, and at once arrange with the chiefs the purchase of a certain portion of them (say as much as 50,000 rupees), at a fair valuation. The forests having once become the property of Government should be properly guarded, and means for their extension adopted. The planting of the hill side above and below the Hindostan and Thibet Road with fine timber trees, is another part of the same project, which may be thought worthy of the attention of Government.

27. I will now briefly describe the iron ore exposed by the road excavations, or lying in the vicinity of its course.

It is first met with near Kundrelah, close to where the two great spurs of Simla and the Chor bifurcate, and it extends at intervals over 200 square miles of the latter spur. The species is magnetic iron, and it occurs in very dark iron—black grains disseminated in veins throughout the mica schist. I believe it to be similar in its external, physical, and chemical characters to the magnetic iron ore of Norway and Sweden. In two districts, Kolkhai and Shiel, it has long been worked by the hill-men, and from its malleability is much prized in the Indian market.

Near Kundrelah, where the Hindoostan and Thibet Road lays open the mineral, the ore enters too intimately into the composition of the compact mica slate, in which it occurs, and bears too small a proportion to the matrix to afford a profitable return; but nine miles to the eastward, and close to the Pabur river, the entire side of a mountain rising 1,500 feet from the valley below and reaching an elevation of 7,000 feet above the level of the sea, was found to contain numerous rich veins of magnetic ore disseminated amongst the mica schist, which was here of the most friable nature. A landslip on one face of the hill afforded the inhabitants of the neighbouring villages the means of procuring the ore without the expense of excavating.

So disintegrated are the particles of ore, that on a stream of water being brought over the mineral veins, the shale is washed off and the ore, as a coarse granular black powder, remained. The expense of procuring the ore in this state does not exceed three annas per cwt. The per-centage of iron obtainable from it is 52·17.

Having obtained a grant of 5,000 rupees for the experimental working of these mines, a locality was selected where ore, wood, water and flux were obtainable at the least practicable cost. Ore was excavated with the sanction of the Rajah of Bussahir on a condition that he should receive a per-centage (hereafter to be fixed) upon the iron produced from the furnace.

The sole right of cutting wood over eighty acres of pine forest in the neighbourhood of the mines I obtained from the villagers of Shiel on favorable terms. With proper coalings the yield of charcoal from this forest should not be less than 7,000 tons. But within a circle of 10 miles there are forests capable of yielding as many millions of tons.

A strong stream of water flowed through the valley at an elevation which admitted of a portion being led to the mines by a cut one-and-a-half miles in length. With proper management, power sufficient to drive machinery may be so obtained. Lime, as a flux, was obtained for the carriage within a distance of three miles.

The result of the last few months' working has been the construction of the watercourse, the erection of necessary storehouses and workshops, the completion of one blast-furnace and the semi-completion of two others on European principles, with several of native construction, the washing and storing of 170 tons of ore, and the burning and storing of a large quantity of charcoal.

The estimated cost at which (if working on an extended scale) we can turn out iron, is 35 rupees per ton; but by the introduction of machinery (the air-furnace or, better still, the hot-blast) I feel confident that the Himalayan ironworks of Shiel might be brought to produce iron at the same rates as those of Merthyr

Tydvil and Glasgow, and of a superior quality. I have hitherto received practical assistance in the direction of the works from assistant overseer Neilson, a son of the large iron-founder of Glasgow; but illness has deprived me of his services, and until I can obtain a qualified person to conduct the European mode of smelting the ore, the yield will be but small and precarious.

I have marked upon the map the situation of the iron mines, and would direct the attention of Government to their favourable position with reference to the navigation of the Tonse, which for six months of the year I am inclined to think would prove no impossibility for flat-bottom barges.

28. The system of accounts which obtains on all works connected with the Hindostan and Thibet Road, from its efficient working during five years, is deserving of notice in this report. It is based on a system of checks which, if the superintendent of works does his duty, affords the best security against fraud. It has proved successful with fifteen different works in hand, and I am confident would do the same with five times that number and with any amount of expenditure. That it has been successful is owing to the separation, in all details, of the accountant's department from that of the executive, by placing at its head a responsible party qualified for the duties of an accountant.

The appointment of Mr. J. Graham relieved the superintendent of the road of all responsibility of details in accounts, and by doing so afforded him increased opportunities of giving his time and attention to the constructive duties of his office. I feel assured that the appointment of an efficient accountant in divisions of public works where extensive operations are in progress would, so far from increasing the cost of the works, effect a large reduction in expenditure, as it would render the principal officer and his subordinates more efficient, inasmuch as their time and attention would be wholly devoted to the economical construction of the public works entrusted to their charge.

Requisitions for advances for the payment of labourers are sent into the office by officers in charge of divisions and overseers in independent charge of sections. The accountant examines their respective accounts, and if they exhibit close balances he forwards their requisition to the superintendent, who affixes his signature and returns them to the office, when the money is immediately despatched. In cases of emergency the accountant is authorised to comply with requisitions in anticipation of sanction. The amounts of these advances are entered to the debit of the parties in a waste cash-book. Overseers, or others in charge of sections, submit daily to the superintendent lithographed reports of the number of men and artificers on each description of work under their charge, and as the system of daily payments to labourers is enforced on this work, a certificate to the following effect is entered at foot of the "daily report":

"We do hereby certify that the numbers returned in this report were present on this day, and employed solely on Government works; and that the sums specified were paid to the labourers of each state by A. B., in the presence of C. D. and E. F.

_____	}	_____
Officers in charge of Division.		Overseer, In charge of Section."

These reports are aggregated in eight-day reports (or three reports per month), which accompany an abstract exhibiting the amount of cash received in advance on requisition, the amount of pay accounts for labour, and bills for materials expended, and incidental charges, for all of which vouchers or receipts are requisite. These, after having been "passed" by the superintendent, are closely examined as to their particular correctness by the accountant. The debit side of these abstracts relieves the waste cash-book, and the credit side, or items of expenditure, are transferred to the day-book, whence they are posted to their respective divisions.

At intervals of three months, or on completion of any particular work, a general inspection of the accounts is made by the superintendent, who after careful audit attaches his signature to the total of each book, and furnishes a certificate of such audit, which, with the vouchers, are deposited with the office records. An audit of this kind precedes the preparation of the half-yearly accounts current submitted to the accountant North-Western Provinces. Bills for the expenditure upon sanctioned works are, upon their completion, submitted to the Auditor-general, and from him are sent to the Accountant-general, who speedily relieves the superintendent of the road from his responsibility of their amount.

amount. Independent of tools and materials, which are supplied on indent by the various ordnance magazines, many articles of a local character are required for the works. These are either manufactured on the works or obtained from contractors and tradesmen. They are entered to the debit of the general stock account, which obtains a corresponding credit by debit to the particular division or work upon which they have been expended. Previous to any material being ordered, the signature of the superintendent is affixed to the indent, which has been previously signed by the overseer, and countersigned by his officer, as absolutely necessary. At the beginning of each month these indents are forwarded to the superintendent, in support of accompanying bills, for the cost of material, the items of which, with their prices, are tested by the accountant. The bills, if satisfactory to the superintendent, receive his sanction, and form vouchers either for monthly contingent bill submitted to Government, or for the general bill for works.

The whole of the permanent establishment are paid as soon as possible after the first of each month, and a receipt taken from each individual. These are deposited in the office as vouchers for the establishment abstract, the details of which are entered in the day-book, and each division or work debited with its share. By these means the road officers and overseers are reciprocally checks upon each other in the matter of disbursements, and the superintendent and accountant in the matter of accounts.

Every month a progress report is furnished to Government, which exhibits the amount of work executed in each division, the number of labourers employed, and the amount of cash expended.

The following books are kept in the office :—

1st. Divisional ledger, in which is entered from the day-book the various items of expenditure incurred in each division.

2d. The day-book, in which all items of expenditure are entered, with numeral references to ledger and vouchers.

3d. Cash-book, in which assignments and valuation statements are debited, and all audited bills credited.

4th. Waste cash-book, in which are entered all advances on account of works.

5th. Bill-book, in which all bills are entered, and endorsed with copy of civil auditor's passing.

6th. Indent-book, for tools, stores, and materials obtained on indent.

7th. Stock-book.

8th. Official letter-book.

9th. Demi-official letter-book and circulars.

29. Having stated the result of our operations during the past five years, I will now briefly show the work still to be done.

With reference to the road between Simla and the plains, I have nothing further to propose. Within six months I fully anticipate its completion to a minimum width of 15 feet, which is sufficient for general carriage traffic. Much of the road will be above 20 feet in width, but 15 will be the minimum within the parapet walls.

The extensive works connected with the Dugshai Tunnel will not be completed for three years, but, as before stated, this will not affect the general usefulness of the line.

With the exception of the tunnel, I already possess funds sufficient for the completion of this part of the road.

The military road from Ku-sowlie to Buddee, to open out a direct communication between the Punjab and the military sanatoria, is under course of completion.

With respect to the road from Simlah to the Chinese frontier, I must consider it to terminate in the neighbourhood of the first Chinese village met with, Shipké, as beyond that we cannot work without the sanction of the Chinese Government. Besides, as formerly stated, when once that point is reached, all

obstacles to carriage by beasts of burden cease. Broad tracks formed from the most ancient times by the constant passage of horses and other baggage animals, communicate with the cities of Central Asia and Western China; and the only difficulties they exhibit are those incidental to a thinly populated country, lying at a general elevation of 15,000 feet.

About 70 miles of very difficult road still remain unfinished; and to that which has been reported completed to six feet in width, several improvements are required.

The monthly grant for these works has hitherto been limited to 3,000 rupees. I have already solicited its increase to 6,000 rupees, in order to insure the more speedy completion of the works. With this grant for a period of three years, I feel confident of finishing the entire line from Simlah to the Chinese territories, level almost throughout its whole extent, and broad enough for the transport of goods on mules and horses. I have further proposed the erection of staging bungalows, at every 12 miles, at a total cost of 16,000 rupees.

30. I cannot close this report without bringing to the notice of the Governor-general in Council the zeal and intelligence displayed by the several officers who have assisted in bringing these important works to their present forward condition. Lieutenant Dawson (now Executive Officer in the Punjab) and Major Cautley (Retired List) each showed the most praiseworthy energy and perseverance in carrying out my orders, at times too when difficulties of no ordinary magnitude opposed, and when, from the apathy and indolence of the hill-men the greatest discouragements were placed in our way. Lieutenant Johnson, of the 33d N. I. (now Assistant Quartermaster-General at Umballah) and Lieutenant Montgomerie, of the Engineers, each for some time in command of the 5th Company of Sappers and Miners attached to the road, entered entirely into the spirit of the work and gave me assistance as fully and cheerfully as if they had been officers of the road department. Since their removal to higher employ, Mr. T. W. Knowles, Assistant Executive Officer, an intelligent and zealous young man, and Lieutenant Price, 31st N. I., have done what they could to further the work. The latter has lately been succeeded by Lieutenant Houchen, of the 55th N. I., who I have reason to believe will afford me every satisfaction in the discharge of his duties.

Of the accountant's department I have before spoken, and will therefore merely state my entire satisfaction with the manner in which the head of it, Mr. Graham, has conducted his duties.

I will venture to say that no class of men in India have undergone greater privations with cheerfulness and unremitting attention to their duties than the assistant overseers of the Department of Public Works and the non-commissioned officers of the Sappers and Miners attached to this road. They have been required to remain under canvas in all seasons, and these, within the Himalayas, embrace the extremes of temperature.

Some have been for years attached to distant divisions in the far interior, shut out from intercourse with their comrades and deprived of many of the comforts of life.

Of the usefulness and general good conduct of the small detachments from Her Majesty's 22d, 32d, 53d, and 98th Regiments, which have been from time to time employed on this road, I cannot speak too highly: they are zealous, honest, and hardworking men. Some of them have fitted themselves for independent charge of sections. One of them, who could neither read nor write when he joined the work, now conducts the duties of an assistant overseer to my perfect satisfaction. As the 20 rupees per mensem they now receive as staff allowance, is small in a country where provisions are dear, I have to solicit the sanction of Government to an increase of ten rupees per mensem, to the allowances of those men whom I may find worthy of it.

The value of such men in operations such as this, cannot be over-rated; and were their services more generally available, a great saving, both in money and time, would be manifest in the public works of India.

I have, &c.

(signed) *David Briggs,*
Superintendent, Hill Roads.

Simlah, 19 December 1855.



[To this page 55.]

No. 1. SKELETON

TO ACCOMPANY REPORT ON THE HINDOSTAN AND THIBET ROAD FOR 1855

Scale 8 Miles—1 Inch

Completed Road thus, ———
 Road in progress thus, - - - -
Signed David Briggs
 Sup^t Hill Roads



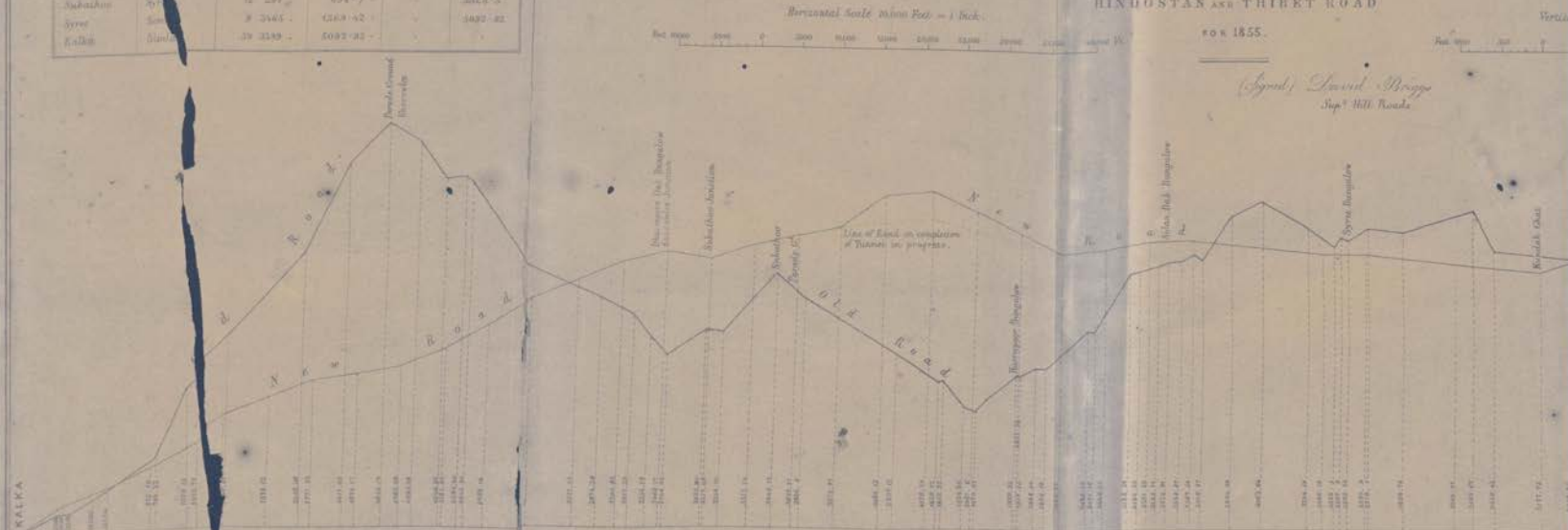
OLD ROAD

From	To	Distances in Miles	Rise	Fall	Railroad Level
Kalka	Bara Bazar	8 592.5	49.54-57.4		
Kanawar	Bara Bazar	8 592.5		2154-77 R.	2824-4
Sakakum	Syrre	12 294.5	694-7		3322-5
Syrre	Simla	8 344.5	118.9-42		5027-82
Kalka	Simla	28 231.5	5092-82		

SECTION of OLD AND NEW ROADS FROM KALKA TO SIMLA.

IN ACCOMPANY REPORT ON
HINDOSTAN AND TRIHET ROAD
FOR 1855.

(Signed) David Briggs
Supt. Hill Roads



Surveyed by Thomas L.

[To face page 88.]

NEW ROAD

From	To	Distances in Miles	Rise	Fall	Reduced Level
Kalka	Dharmore	14 3/4	24 08 17 ft.		
Dharmore	Solan	14 3/4	1 51 03		3550.2 ft.
Solan	Kearee	14 3/4	2 49 8		3900
Kearee	Simla	15 3/4	11 92 92		5092.92
Kalka	Simla	50 3/4	50 92 92		

Scale 1000 Feet = 1 Inch.



MINUTE by the Most Noble the Governor-General in Council, concurred in by the Members of Government.

HINDOSTAN AND THIBET ROAD.

1. THE general Report which has now been submitted by Lieutenant Briggs upon the Hill Road, which has been for some time under construction from the plains of Hindostan near Umballa, to the frontier of Thibet beyond Chini, in Kunawur, was prepared at my request. The work is one which deserves to be better known than it is, and to that end it has been my intention that it should be published as one of the selections by the Government of India.

2. In a former Minute recorded upon the 6th July 1852, I endeavoured to do justice to the great merits and exertions of Lieutenant Briggs, by whom this work had been principally directed up to that time. On Lieutenant Briggs' return from leave, rendered necessary by the consequences of exposure in the hills, he again received charge of the road. I can say nothing more laudatory of Lieutenant Briggs, or more true, than that he has fully maintained, since his return, the reputation he had acquired before his departure. I shall leave India with full confidence that the project of forming a road from the plains of India to Thibet, which I have regarded as of great importance in many ways, and in which I have taken a strong interest, will be completed in due time, and will be productive of all the benefits that have been anticipated from it.

3. To that end I would sanction the grant of 6,000 rupees a month, which Lieutenant Briggs has shown will be required to complete the road in three years to the frontier.

4. I would offer to Lieutenant Briggs, on the part of the Government, a renewal of the sentiments which were expressed to him in 1852, together with the marked thanks of the Governor-general in Council.

5. Lieutenant Briggs should be requested to convey to the officers he has named, Lieutenant Dawson, Major Cautley, Lieutenant Johnson, and Lieutenant Montgomerie, engineers, the thanks of the Government for their exertions in this work.

The full approbation of the Government should also be expressed to Mr. Graham, and to the body of the overseers, who well deserve the small increase of pay which Lieutenant Briggs recommends.

(signed) *Dalhousie*, 14 January 1856.

I concur,

(signed) *J. Dorin*, 18 January 1856.
J. P. Grant, 18 January 1856.
**B. Peacock*, 19 January 1856.

(No. 160.)

EXTRACT from the Proceedings of the Most Noble the Governor-General of India in Council, in the Public Works Department (Public,) under date the 21st January 1856.

(No. 512.)

LETTER from Lieutenant *D. Briggs*, Superintendent, Hill Roads, to Lieutenant-Colonel *W. E. Baker*, Secretary to the Government of India, Public Works Department, Fort William.

Sir,

Simla, 6 December 1855.

I HAVE the honour to report, for the information of the most Noble the Governor-general, that I have lately completed a survey of the country between Chini and the Chinese frontier, and have ascertained that but 35 miles of road are required to bring the terminus of the Hindostan and Thibet Road within the Thibetan provinces of China, at a point where roads now practicable for beasts of

burden, stretch eastwards and northwards towards the emporiums of Garoo, Lé, and Yarkund, passing through the shawl-wool and borax-producing districts of Changtang and Rudok.

2. I will not here enter into a detailed account of the line, whether as regards its difficulties of construction or the benefits which must accrue from it, as I have noticed these in detail in the report on the whole undertaking which I am now preparing, by his Lordship's orders, for submission to Government. My present object is to bring to the notice of his Lordship in Council the extreme difficulties I have encountered from an insufficiency of labourers upon that portion of the line within the Bussahir territory to the south of Chini, in consequence of which its completion has been greatly retarded, and to represent the impossibility of either completing it or commencing upon the line beyond towards Thibet, without such increased expenditure as shall permit of the entertainment of a greater number of labourers. Without entering into a dissertation on the existing treaty between the British Government and the Hill States, by which the latter are bound to provide labourers when the exigencies of the former require them, it will be sufficient to state that the Superintendent of Hill States, when fixing the quotas of labourers which each state should furnish for the road, considered that out of a population of 120,000, it was not politic to call upon Bussahir to furnish more than 600 labourers, to be paid at the rate of two annas per diem. But during the seven working months of this year, that state has barely averaged 500 labourers per diem, a party wholly insufficient to carry on with energy the exceedingly difficult operations in that country.

3. It is known to his Lordship's Government that the expenditure on the Hindostan and Thibet Road, north of Simla, is limited to the small sum of 300*l.* per mensem. This is little more than sufficient to pay the 600 Bussahir labourers, and yet with this allowance we have opened 116 miles, leaving only 39 to complete the line as far as Chini, or 74 to bring Hindostan in as easy communication, for beasts of burden, with the western provinces of China, as Benares is with Calcutta. The total cost of the undertaking to the British Government has been 9,000*l.*

4. I have no expectation of Bussahir being able to furnish more than the present nominal quota, and I must therefore look to foreign districts for the supply of the requisite number of labourers. But these will not, and cannot be expected, to accept service in a country where food is four times dearer than in the plains of India, unless the wages offered are in accordance with the high rate of food. I have therefore to submit for the consideration of his Lordship's Government, that the present monthly grant of 300*l.* be doubled, in order to permit of the more speedy completion of the road.

5. I beg also to enclose, for the sanction of his Lordship in Council, a bill amounting to *Co.'s Rs.* 9,990. 5. 7. for eight dāk bungalows constructed between Simlah and Serahun, which afford accommodation for travellers at each stage. A portion of their cost has been defrayed from local funds, as per Government letter, No. 3219, of the 10th September 1852. I have further to request the sanction of Government to the construction of seven bungalows according to the annexed statement, which will provide accommodation along the whole line as far as Chini, and thus render it unnecessary for travellers to carry with them camp equipage, which will effect a great reduction of "begar." They are also of great service to our working parties, in affording shelter to the officers and European soldiers during the severe weather they are not unfrequently exposed to.

I have, &c.
(signed) . *David Briggs,*
Superintendent, Hill Roads.

PUBLIC WORKS DEPARTMENT.—PUBLIC, No. 147.

(No. 161.)

LETTER from Captain *H. Yule*, Under Secretary to the Government of India, to Lieutenant *D. Briggs*, Superintendent of Hill Roads.

Sir,

Fort William, 15 January 1856.

I AM directed to acknowledge the receipt of your letter, No. 512, dated the 6th ultimo, with enclosure, reporting that you have completed a survey of the country between Chini and the Chinese frontier, and that but 35 miles of road are required to bring the terminus of the Hindostan and Thibet Road within the Thibetan provinces of China.

2. The most Noble the Governor-general in Council sanctions the bill submitted by you, amounting to *Co.'s Rs.* 9,990. 5. 7., for constructing eight staging bungalows, at every 10 miles, on the Hindostan and Thibet Road, north of Simla. This, I am to observe, is in excess of the sum of 6,410 rupees, originally authorised to be expended from local funds for bungalows, at every 15 miles, under orders of Government in the Foreign Department, communicated to you in Mr. Officiating Secretary Allen's letter, No. 3219, of the 10th September 1852.

3. His Lordship in Council is also pleased to sanction the erection of seven additional bungalows, to complete the chain at 10 miles apart as far as Chini, at an estimated cost of 16,000 rupees.

4. Under the circumstances represented, the Governor-general in Council has been pleased, in compliance with your recommendation, to sanction the present monthly allowance for expenditure on the Hindostan and Thibet Road being increased from 3,000 rupees to 6,000 rupees.

I have, &c.

(signed) *H. Yule*, Captain,
Under Secretary to the Government of India.

(No. 84.)

EXTRACT from the Proceedings of the Right Honourable the Governor-General of India in Council, in the Public Works Department (Public), under date the 1st August 1856.

(No. 45.)

LETTER from Captain *D. Briggs*, Superintendent, Hill Roads, to Lieutenant-Colonel *W. E. Baker*, Secretary to the Government of India, Public Works Department, Fort William.

Sir,

Simla, 12 June 1856.

I HAVE the honour to transmit herewith the progress report of the Hindostan and Thibet Road for the month of April 1856, which I request you will have the goodness to submit for the information of the Right honourable the Governor-general in Council.

Absence from Simla on special duty in the Punjab has caused the delay in transmitting this document beyond the usual period.

I have, &c.

(signed) *David Briggs*,
Superintendent, Hill Roads.

HINDOSTAN AND - - - -

PROGRESS REPORT of Works, Labourers Employed, and

DIVISIONS.	Completed up to 31st March 1856,			Completed during the month of April 1856,			Remaining to Complete,			No. of Labourers Employed up to 31st March 1856.	Average No. of Coolies on 16 feet road per Mile.	Average No. of Coolies on 12 feet road per Mile.
	To 16 feet wide.	To 12 feet wide.	To 6 feet wide.	To 16 feet wide.	To 12 feet wide.	To 6 feet wide.	To 16 feet wide.	To 12 feet wide.	To 6 feet wide.			
1. Kalka - - -	M. F. 13 2	M. F. 16 5	M. F. - -	M. F. 2 6	M. F. - -	M. F. - -	M. F. 0 6	M. F. - -	M. F. - -	299,836	10,032	- -
Dugshai Tunnel - -	- -	0 1 ¹⁶ / ₆₀₀	- -	- -	0 0 ¹⁶ / ₆₀₀	- -	- -	0 1 ¹⁶ / ₆₀₀	- -	42,552	- -	- -
Deon ditto - -	- -	0 0 ¹⁶ / ₆₀₀	- -	- -	- -	- -	- -	0 0 ¹⁶ / ₆₀₀	- -	4,280	- -	- -
2. Krole - - -	20 5	40 1	- -	2 7	- -	- -	12 5	- -	- -	614,413	10,100	- -
3. Lower Simla - -	0 2	4 5	- -	0 2	- -	- -	4 1	- -	- -	62,443	12,800	- -
4. Mahasso :												
Tunnel - - -	- -	0 1	- -	- -	- -	- -	- -	- -	- -	5,400	- -	- -
Road - - -	- -	- -	15 0	- -	- -	- -	- -	- -	1 0	25,280	- -	- -
5. Matteeana (A) - -	- -	- -	26 7	- -	- -	- -	- -	- -	0 1	330,558	- -	- -
6. Kundrela - - -	- -	- -	34 4	- -	- -	- -	- -	- -	1 2	123,736	- -	- -
7. Serahun - - -	- -	- -	28 7	- -	- -	- -	- -	- -	4 1	344,374	- -	- -
8. Turanda - - -	- -	- -	4 5	- -	- -	- -	- -	- -	13 5	104,744	- -	- -
9. Chini - - -	- -	- -	10 4	- -	- -	- -	- -	- -	12 4	6,674	- -	- -
Branch :												
Kussowlie and Buddee - -	- -	6 3	- -	- -	- -	- -	- -	8 5	- -	116,328	- -	18,096
TOTAL - - -	34 1	68 0 ¹⁶ / ₆₀₀	120 3	5 7	0 0 ¹⁶ / ₆₀₀	- -	17 4	8 7 ¹⁶ / ₆₀₀	32 5	2,080,618	- -	- -

										Rs.	a.	p.	
Amount Expended on Labour up to 30th April 1856 - - - - -										2,85,496	-	-	
Less {	Ditto ditto recovered from Local Funds - - - - - 1,811 - -												
	Ditto ditto from those States who have worked their coolies within their own Territories - - - - - 40,848 - -												
											42,659	-	-
Amount Expended on Labour by Government up to 30th April 1856 - - -										Rs.	2,42,837	-	-

- - - - - THIBET ROAD.

Cash Expended on Labour, for the Month of April 1856.

Average No. of Coolies on 6 feet road per Mile.	No. of Labourers Employed during the month of April 1856.	Average No. of Coolies on 16 feet road per Mile.	Average No. of Coolies on 12 feet road per Mile.	Average No. of Coolies on 6 feet road per Mile.	Cash Expended up to 31st March 1856 on Labour.	Cash Expended during the Month.	TOTAL Amount of Cash Expended up to 30th April 1856.	Date of Superintendent's last Inspection.	REMARKS.
-	-	-	-	-	Rs. a. p.	Rs. a. p.	Rs. a. p.	-	
-	40,672	14,784	-	-	37,383 - -	5,084 - -	42,467 - -	-	The widening to 16 feet nearly completed.
-	3,808	-	-	-	5,319 - -	476 - -	5,795 - -	-	Lining entrance with masonry; gallery advanced 66 feet during the month.
-	-	-	-	-	535 - -	- -	535 - -	-	Excavations interfered with by heavy breaches at mouth of gallery.
-	93,280	32,440	-	-	80,679 - -	11,660 - -	92,339 - -	-	The widening to 16 feet progressing satisfactorily.
-	5,904	2,952	-	-	9,091 - -	738 - -	9,829 - -	-	The widening to 16 feet progressing satisfactorily.
-	-	-	-	-	611 - -	- -	611 - -	13th April.	Completed to 16 feet in width,
1,685	-	-	-	-	3,943 - -	- -	3,943 - -		Completed to 6 feet in width.
12,206	-	-	-	-	41,452 - -	- -	41,452 - -		Completed to 6 feet in width.
3,584	-	-	-	-	16,324 - -	- -	16,324 - -		Completed with exception of one mile.
11,920	512	-	-	-	43,466 - -	64 - -	43,530 - -		
22,640	-	-	-	-	13,093 - -	- -	13,093 - -		Work in these Divisions will be commenced 1st June 1856.
632	-	-	-	-	1,037 - -	- -	1,037 - -		
-	-	-	-	-	14 541 - -	- -	14,541 - -	-	Work temporarily suspended on this Branch to afford additional labour to the main line from Kalka to Simla.
-	144,176	-	-	-	2,67,474 - -	18,022 - -	285,496 - -		

Hill Roads Office, Simla, }
1 May 1856.

(Signed) David Briggs,
Superintendent, Hill Roads.

(True copies.)

East India House, }
2 February 1857. }

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (ROADS).

MINUTES and CORRESPONDENCE in reference to the Project of the HINDOSTAN and THIBET ROAD, with Reports of Major *Kennedy* and Lieutenant *Briggs* relating thereto ; and, an Account of the Expenditure incurred in the Construction of the New Road between *Kalka* and *Dugshai*.

(*Mr. Kennedy.*)

*Ordered, by The House of Commons, to be Printed,
4 March 1857.*

[*Price 4 s.*]

EAST INDIA.

RETURN to an Order of the Honourable The House of Commons,
dated 23 May 1856;—*for*,

COPIES “ of all TREATIES, CONVENTIONS, and ARRANGEMENTS with the Native
States of *India*, made since the 1st day of May 1834.”

East India House, }
7 July 1856. }

JAMES C. MELVILL

(*Viscount Goderich.*)

Ordered, by The House of Commons, to be Printed,
8 July 1856.

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East India House, }
7 July 1856. }

F. W. Prideaux,
Ass^t Examiner of Indian Correspondence.

COPIES of all TREATIES, CONVENTIONS, and ARRANGEMENTS with the Native States of *India*, made since the 1st day of May 1834.

A R A B S.

ARABS.

CONVENTIONS with the CHIEFS of the ARABIAN COAST.

TERMS of a Maritime Truce for Ten Years, agreed upon by the Chiefs of the Arabian Coast, under the Mediation of the Resident in the Persian Gulf, dated 1st June 1843.

We, whose seals are hereunto affixed, viz.

Sultan Bin Suggur, Chief of the Joasmee Tribe,
Khalifa Bin Shukhboot, Chief of the Beni Yas,
Muktoom Bin Butye, Chief of the Boo Falasa,
Abdoollah Bin Rashid, Chief of Amulgavine,
Abdool Azeez Bin Rashid, Chief of Ejmaun,

being fully impressed with a sense of the evil consequences arising from our subjects and dependents being prevented carrying on the pearl fishery without interruption on the banks, owing to the various feuds existing amongst ourselves, and, moreover, duly appreciating the general advantage to be derived from the establishment of a truce, do hereby agree to bind ourselves down to observe the following conditions :—

1st. That from the 1st June 1843, A. D., (the corresponding Mahomedan date, 2d Jumadee-ool-avul Hijree, 1259,) there shall be a cessation of hostilities at sea between our respective subjects and dependents, and that from the above date until the termination of the month of May 1853, A. D., an inviolable truce shall be established, during which period our several claims upon each other shall rest in abeyance.

2d. That in the event of any of our subjects or dependents committing any acts of aggression at sea upon those of any of the parties to this agreement, we will immediately afford full redress, upon the same being brought to our notice.

3d. That in the event of any acts of aggression being committed at sea upon any of our subjects or dependents, we will not proceed immediately to retaliate, but will inform the British Resident, or the Commodore of Bassidore, who will forthwith take the necessary steps for obtaining reparation for the injury inflicted, provided that its occurrence can be satisfactorily proved.

4th. That on the termination of the month of May 1853, by God's blessing, we will endeavour to arrange either an extension of this truce, or a firm and lasting peace; but in the event of our being unable to come to a satisfactory adjustment regarding our respective claims, we hereby bind ourselves to give notice, on or about the above date, to the British Resident, of our intention to renew hostilities after the expiration of the term now fixed upon for this truce, viz., the end of the month of May 1853.

Signed as in the Preamble.

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AGREEMENT with Shaikh Sultan Bin Suggur, Chief of Ras-ool-Khymah, ceding to British Cruizers the Right of searching his Vessels upon the High Seas when suspected of having Slaves on board, and also ceding the Right of Seizure and Confiscation in the event of the Suspicion being proved to be well founded.

IN the event of vessels connected with my ports, or belonging to my subjects, coming under the suspicion of being employed in the carrying off (literally "stealing") and embarkation of slaves, men, women, or children, I, Sultan Bin Suggur, Shaikh of the Joasmee Tribe, do hereby agree to their being detained and searched, whenever and wherever they may be fallen in with on the seas, by the cruizers of the British Government; and further, that upon its being ascertained that the crews have carried off (literally "stolen") and embarked slaves, their vessels shall be liable to seizure and confiscation by the aforesaid cruizers.

Dated Shargah, 17th April 1838, A. D., corresponding with the 22d Mohurrum, A. H. 1254, Mahomedan era.

The (Seal) of Sultan Bin Suggur.

(True translation.)

(signed) *S. Hennell*,
Resident in the Persian Gulf.

AGREEMENT for the Suppression of the Slave Trade in the Persian Gulf, entered into by Shaikh Sultan Bin Suggur, Chief of Ras-ool-Khymah, dated off Ras-ool-Khymah, 3d July 1839.

I, Sultan Bin Suggur, Shaikh of the Joasmee Tribe, do hereby declare, that I bind and pledge myself to the British Government in the following engagements:

1st. That the Government cruizers, whenever they meet any vessel belonging to myself or my subjects beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the Island of Socotra, and ending at Cape Guadel, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.

2d. Should it on examination be proved that any vessel belonging to myself or my subjects is carrying slaves, whether men, women, or children, for sale beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and her cargo; but if the aforesaid vessel shall pass beyond the aforesaid line, owing to stress of weather or other case of necessity not under control, then she shall not be seized.

3d. As the selling of males and females, whether grown up or young, who are "horr" or free, is contrary to the Mahomedan religion, and whereas the Soomalee tribe is included in the "ahrar" or free, I, Sultan Bin Suggur, do hereby agree, that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that after four months from this date all those of my people convicted of being concerned in such an act shall be punished the same as pirates.

Seal of (L.s.) Sultan Bin Suggur.

(True translation.)

(signed) *S. Hennell*,
Resident in the Persian Gulf.

A similar agreement to the above was entered into by Shaikh Khalifa, Bin Shukhboot, on the 1st July 1839, and by Shaikh Mukhtoom of Debaye, and Shaikh Abdoollah Bin Rashid of Amulgavine, on the 2d of the same month.

(signed) *S. Hennell*,
Resident in the Persian Gulf.

TRANSLATION of an Engagement entered into by Shaikh Sultan Bin Suggur, Chief of Ras-ool-Kymah and Shargah, for the Abolition of the African Slave Trade in his ports, dated the 30th April 1847.

ARABS.

It having been intimated to me by Major Hennell, the Resident in the Persian Gulf, that certain conventions have lately been entered into by his Highness the Imaum of Muscat and other powers with the British Government, for the purpose of preventing the exportation of slaves from the African coast and elsewhere, and it having moreover been explained to me, that in order to the full attainment of the objects contemplated by the aforesaid conventions, the concurrence and co-operation of the chiefs of the several ports situated on the Arabian coast of the Persian Gulf are required; accordingly I, Shaikh Sultan Bin Suggur, chief of the Joasmee Tribe, with a view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coast of Africa and elsewhere, on board of my vessels and those belonging to my subjects or dependents, such prohibition to take effect from the 1st day of Mohurram 1264, A. H. (or 10th December 1847, A. D.)

And I do further consent that whenever the cruisers of the British Government fall in with any of my vessels or those belonging to my subjects or dependents suspected of being engaged in the slave trade, they may detain and search them, and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coast of Africa, or elsewhere, upon any pretext whatever, they, the government cruisers, shall seize and confiscate the same.

Dated this 14th day of Jumadee-ool-Awul 1263 A. H., or 30th day of April 1847 A. D.

(L. S.) (signed) *Shaikh Sultan Bin Suggur.*

(True translation.)

(signed) S. Hennell,
Resident in the Persian Gulf.

The five following maritime Arab chiefs entered into engagements precisely similar to the above, on the dates mentioned opposite their respective names:

1. Shaikh Muktoom, of Debaye, on the 30th April 1847.
2. Shaikh Abdool Azeez, of Ejman, on the 1st May 1847.
3. Shaikh Abdoolah Bin Rashid of Amulgavine, on the 1st May 1847.
4. Shaikh Saced Bin Tohnoon of Aboothabee, on the 3d May 1847.
5. Shaikh Mahomed Bin Khuheefa of Bahrein, on the 8th May 1847.

(signed) *S. Hennell,*
Resident in the Persian Gulf.

S O H A R.

Sohar.

ENGAGEMENT entered into by Synd Suif Bin Hamood, Chief of Sohar, for the Abolition of the Slave Trade at his Ports, dated the 22d May 1849.

Article 1.—It having been intimated to me by Major Hennell, the Resident in the Persian Gulf, that certain conditions have lately been entered into by the Ottoman Porte and other powers with the British Government, for the purpose of preventing the exportation of slaves from the coast of Africa and elsewhere, and it having moreover been explained to me that in order to the full attainment of the objects contemplated by the aforesaid conventions the concurrence and co-operation of the chiefs of the several ports situated on the Arabian Coast of the Persian Gulf are required, accordingly I, Synd Suif Bin Hamood, chief of Sohar, with a view to strengthen the bonds of friendship and amity existing between me and the British Government, do hereby engage to prohibit the exportation of

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slaves from the coasts of Africa and elsewhere, on board of my vessels and those belonging to my subjects or dependents, such prohibition to take effect from the 29th Rujub 1265, or the 21st June 1849, A.D.

Art. 2.—And I do further consent that whenever the cruizers of the British Government fall in with any of my vessels or those belonging to my subjects or dependents suspected of being engaged in the slave trade, they may detain and search them, and in case of their finding that any of the vessels aforesaid have violated the engagement by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatever, they (the Government cruizers) shall seize and confiscate the same.

Dated this 20th day of Jumadee-ool-Akhur 1265, A.H., or 22d day of May 1849.

(L.S.)

(signed) *Synd Suif Bin Hamond.*

(True translation.)

(signed) S. Hennell, Resident, &c.

Aden.

A D E N.

PRELIMINARY Engagement entered into by Sultan M'Hassen, of Lahej, for the Transfer of Aden to the British Government, received by Captain *S. B. Haines*, I.N., at Aden, on the 23d of January 1838.

THE peace, mercy and blessings of the Almighty be with you.

We have received the letter, which, through Jaffer, you have written concerning our agreement about Aden, on the 5th of Shuval; but you must know that we have claims upon that place, as also have the tribes and sultans around it. About the delay of the two months, Zilkad and Zilhuj, to which you and I have agreed before the transfer, we earnestly desire that it be observed. You will go to Bombay, and there consult the government, while we will consult our people, the princes and shaikhs, and prepare their minds; then we and you, the Commissioner of the Company, will carry into effect the delivery of the fortress of Aden into your hand, and ratify the expenses of the tribes and sultans, the regulations and manner of proceeding of everything connected with the town, the war by land and sea; then you, as the Commissioner, shall receive a true and full account and ratified transfer of the fortress of the town. As for the said customs, one-half will be upon you and the other half upon us, after the two months, if it is agreed upon between us. On your arrival we will treat about the monthly or annual stipend; but the Arabs of the present town must remain under our name and our jurisdiction; all other people will be your subjects; and while we are treating after the delay of the two said months, you must not act aggressively against us, or wrest any part of Aden from us. If you did not observe the delay of two months, we will not be responsible to you for anything that may happen.

(Seal of Sultan *M'Hassan Foudthel.*)

Witness,

Rashed Bin Abdulla.

After the two months we will speak and treat with Captain Haines, and no other person.

EXTRACT from a Letter addressed by Sultan M'Hassen, of Lahej, to Captain *Haines*, under date the 23d January 1838.

Bismillahir Rahmanir Rahum bemunnihee t'alla, &c., and compliments.

What I now write is from Lahej, where all are well. Your letter reached me, and I understand all you wrote in that letter. I have finished with you on the subject of the town, and told you all. Jaffer came to me from you. I have spoken truth, and gave him a letter, and from his hand received another; I have given my seal that Aden is yours, and you must now give me yours as a security to me. You have both my letter and seal.

(signed) Sultan *M'Hassen.*

Dated 23d January 1838.

ENGAGEMENT concluded on the 2d February 1839 between Sultan M'Hassan of Lahej, on behalf of himself and the Abdallees, through his accredited Agent and Son-in-law, Sultan M'Hassen West, and Captain *Haines*, of the Indian Navy, on behalf of the Honourable East India Company.

Bismillahir Rahmanir Rahum bemunnihee t'alla. From this day and the future, Synd M'Hassen Bin West Bin Hamed Suffran gives this promise to Commander *Haines*, gentleman, on his own head, in the presence of God, that there shall be friendship, lasting friendship and peace, and everything good between the English and Abdallees; I promise no wrong or insult shall be done, but it shall be peace; and the British Government agree to the same, Sultan M'Hassen and all interior sultans agree to this, and I am responsible. All those even on the roads to the interior shall be kept from molesting any one, by me, as they were when Sultan M'Hassen possessed Aden. This is agreed upon between me and Commander *Haines* on the part of Government, and I promise to do even more than I have hitherto done, please God. I require respect from Commander *Haines* in return, and more than before, if possible.

Dated the 2d February 1839.

(signed) *Synd M'Hassan West.*
Hassan Kateef.
S. B. Haines.

ENGAGEMENT concluded on the 4th February 1839 between Sultan M'Hassan of Lahej and his Children, and Commander *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

THIS treaty is formed between Synd M'Hassan and Hassan Kateef on account of the Sultan of Lahej and Commander *Haines*, the Agent to the Government.

On the word and promise of Sultan M'Hassan, I promise that no insult or molestation shall take place on the road, or between the English and my people, and that all shall be peace and quietness; and I agree that between my people and your people there shall be no difference or oppression, and that the English agree that all shall be peace, and that all merchants shall be free to trade without oppression.

Dated 4th February 1839.

(signed) *Said M'Hassan Bin West.*
Hassan Bin Abdulla Kateef.
S. B. Haines.

Witnesses,

Rashed Abdulla.
Hajee M'Hassan Shah Moutee.
Hajee Jaffer.

BOND entered into on the 18th June 1839 by Sultan M'Hassan, after Aden came into the possession of the British, on signing which he received the First Payment on account of the Stipend of Five hundred and Forty-one German Crowns per Mensem, which the British Government agreed to allow him while he remained faithful to his Engagements.

Sultan M'Hassan Foudthel, his sons Sultan Ahmed M'Assen Foudthell Ali Abdulla and Foudthell, enter into an engagement of peace and friendship on the part of their Government, and Captain S. B. Haines of the Indian Navy, Political Agent at Aden, on the part of the Government of the East India Company.

Article 1.—Sultan M'Hassan and his sons engage themselves to keep their territory and roads in peace and security, so that the weak and poor people may communicate in safety with each other, the Sultan being responsible for every wrong done on the road by any of the Sultan's people. The Sultan will always preserve peace and friendship with the British Government, their interests being united by the British possessing Aden in perpetuity.

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Art. 2.—Captain Haines agrees to pay the stipends of Foudthelee, Yaffar, Houshebee, and Ameer Tribes, as originally paid by Sultan M'Hassan of Lahej.

Art. 3.—Captain Haines agrees to pay to Sultan M'Hassan and his descendants the sum of German crowns 6,500 from the month of Zilkad 1254.

Art. 4.—From Khore Muksa towards Lahej is to be under the jurisdiction of the Sultan, according to the known confines of Abdallee territory.

Art. 5.—If there happen war against Abdallee, or territory of Lahej, or Aden, the contracting parties will assist each other.

Art. 6.—The subjects of the Sultan entering Aden will be under the jurisdiction of the British Government for the time, and the British subjects resorting to Lahej will be under the jurisdiction of the Sultan for the time being.

Art. 7.—Everything belonging to the Sultan or his sons entering or going out of Aden will be free from Custom duties.

Dated the 6th of Rubee-oos-sanu (corresponding with the 18th June 1839, A.D.)

(Seal of Sultan M'Hassan Foudthel.)

Witnesses.

(signed) Jaffer, Native Assistant of Captain Haines.
Hassan Abdulla Kateeb.
Abdu Saffi Bin Abdulla Rabia.
Ali Bin Abdulla.

ENGAGEMENT concluded on the 11th February 1843, between Captain *Haines*, Political Agent at Aden, and the Sultan of Lahej.

THIS treaty is made by Sultan M'Hassan Foudthel, his heirs and successors, the tribes of the Azeibee and Salamee, on their visit to Aden, on Saturday the 27th day of Shah el Hujel Haram 1258.

Being anxious to make peace with the British Government, Captain Stafford Bettsworth Haines in the name of the British Government has given his consent, and has made peace with Sultan M'Hassan Foudthel and his adherents, and on this treaty has Sultan M'Hassan Foudthel placed his seal, and Captain Stafford Bettsworth Haines, on the part of the British Government, has set his seal.

Inasmuch as peace is good and desirable for both parties, the Sultan M'Hassan Foudthel of Lahej, in the name of himself, heirs, successors, and the tribes of Selamee and Azeibee, and Captain Stafford Bettsworth Haines on the part of Her most Gracious Majesty Queen Victoria I. of Great Britain and Ireland, have made this holy agreement, that between the two governments shall exist a firm and lasting friendship that shall never be broken, from the beginning unto the end of all things; and to this agreement God is witness.

Article 1.—In consideration of the respect due to the British Government, Sultan M'Hassan Foudthel agrees to restore the lands and property of all kinds belonging to the late Hassan Abdulla Khateeb, agent to the British at Lahej, after such property shall be proven. But the Sultan M'Hassan expects in return that certain revenue and territorial books, styled "Deiras," said to be in the possession of the Khateeb family, should be restored to the Government of Lahej, and then their persons shall be safe, should they wish to go inland.

Art. 2.—The Sultan will, on the same consideration, and has in the presence of witnesses settled all claims made by Chumacel, the Jew, and he will also attend to all claims that may be brought against him during his fifteen days' residence in Aden.

Art. 3.—Such transit duties as shall be hereafter specified shall be exacted by the Sultan, who binds himself not to exceed them. The Sultan will also, by every means in his power, facilitate the intercourse of merchants, and he shall in return be empowered to levy a moderate export duty.

Art. 4.

Art. 4.—The Sultan engages to permit British subjects to visit Lahej for commercial purposes, and to protect them, allowing toleration of religion, with the exception of burning the dead.

Art. 5.—Should any British subject become amenable to the law, he is to be made over to the authorities at Aden, and in like manner are the subjects of the Sultan to be made over to his jurisdiction.

Art. 6.—The bridge of Khore Muksa is English property, and as such shall be kept in order by them; but should it be proved that it is destroyed by the followers of the Sultan, he shall repair it.

Art. 7.—The Sultan binds himself, as far as he can, to keep the roads clear of plundering parties, and to protect all merchandise passing through his territories.

Art. 8.—British subjects may, with the permission of the Sultan, hold in tenure land at Lahej, subject to the laws of the country, and in like manner may the ryots of the Sultan hold property in Aden, subject to the British laws.

Art. 9.—Such articles as the Sultan may require for his own family shall pass Aden free of duty, and in like manner all presents and all Government property shall pass the territories of the Sultan free from transit duty.

Art. 10.—With regard to the stipend of the Sultan, it entirely rests with Captain Haines and the British Government. The Sultan considers the British his true friends, and likewise the British look upon the Sultan of Lahej as their friend.

This treaty is concluded on the 11th day of Shah Mohurram el Haram Ashoor, in the year of the Hijree 1258 (corresponding with the 11th February 1843 A. D.)

(Seal of Sultan) (signed) Sultan *M'Hassan Foudthel*.
M'Hassan Foudthel.)

(Seal of Captain Haines.) (signed) *S. B. Haines*, Captain Indian Navy,
and Political Agent at Aden.

Memorandum.—This engagement having been submitted to the Government of India, this Government was, in reply, informed by that authority, under date the 18th November 1843, that it cannot be looked upon as a treaty susceptible of formal recognition and ratification; but must be considered of the nature of an engagement between the Political Agent and the Sultan, and as such may be respected.

The following Further BOND was entered into by the Sultan of Lahej on the 20th February 1844, previous to the renewal by Government of payment of his monthly Stipend of 541 German crowns, which had been stopped in consequence of his having broken his former engagements.

1. THE Right honourable the Governor-general of India having been graciously pleased to grant to me a monthly salary of 541 German crowns so long as I continue to act honestly and amicably towards the British in every respect, adhering to the terms of my late bond, dated 11th February 1843, especially sworn and delivered to Stafford Bettesworth Haines, Esq., Captain in the Indian Navy, and Political Agent at Aden,—

2. I hereby solemnly attest the religious sincerity thereof, and moreover declare that in all things relating to the peace, progress, and prosperity of Aden, I will use every effort to avert calamity, and lend my utmost aid to support the interests of the British flag; and I will conform in all intention and purpose to the Articles specified in my late bond, dated 11th February 1843.

3. I further bind myself by oath, that should any breach of faith or trespass on the aforesaid bond, either as concerning myself, children, chiefs, or any other person or persons of my tribe, or those in my pay, or a individual whomsoever in any way or by any means connected with my government or under my jurisdiction, or should one or any of the aforesaid persons be in any manner convicted of

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having been privy to or accessory to such breach of faith or trespass on the treaty, or of committing any act of plunder whatever on the roads leading into Aden from the interior, to take the whole responsibility on myself, and to be answerable to the British; and if I or other above mentioned, either openly or by secret machination protect any offender, and do not render entire satisfaction of the British, I freely and solemnly swear to relinquish all claim to the salary granted by the Right honourable the Governor-general of India, and declare myself perjured before all men.

4. I further swear, that if I do not strictly abide henceforth by the bond dated 11th February 1843, and the above-mentioned conditions, all claim I may have on the kindness, friendship, and generosity of the British Government is rendered null; and consequently for any breach of truth or aggression on my part for the future I render myself open to the severest retribution.

Dated the 20th February 1844.

(Seal of the Sultan.)

(signed) Sultan *M'Hassan Foudthel*.

(signed) *S. B. Haines*, Captain Indian Navy,
and Political Agent at Aden.

TREATY concluded between the Honourable the East India Company and Sultan Ali M'Foudthel of Lahej (Aden), under date the 7th May 1849.

To secure commercial advantages, with friendly intercourse, goodwill, and lasting peace to both powers, this treaty is made, agreed to, sealed, and signed by those possessing full power and authority; viz. Sultan Ali Bin M'Hassan Foudthel, for himself, his heirs and successors, also for the Azeibee and Selamee tribes, and all other tribes and divisions of tribes under his government, authority, or control, and Stafford Bettsworth Haines, esq., Captain in the Indian Navy, and Political Agent at Aden, being invested with full power so to do from the Right honourable the Governor-general of India; but it must be subject to the final ratification of the Government of India.

Inasmuch as peace and commercial intercourse and prosperity is good and desirable among all nations, and particularly advantageous to the powers above named, the Sultan Ali Bin M'Hassan Foudthel, of Lahej, in the name of himself, heirs, successors, and all tribes under his government, control, and authority, and Captain Stafford Bettsworth Haines on the part of the Right honourable the Governor-general of India, make this agreement, that between the two Governments shall exist a firm and lasting friendship, and shall never be broken; and both parties agree to and ratify under seal and signature the following articles:—

Article 1.—In consideration of the respect due to the British Government, Sultan Ali M'Hassan Foudthel binds himself to secure to the rightful owners all ground, household, or other property that may be within the limits of his territory belonging to the British subjects of Aden, and that their persons or agents shall be safe and respected should they proceed inland to look after and collect the rents of such property, or for any other correct purpose.

Art. 2.—Sultan Ali M'Hassan Foudthel engages to permit British subjects, and all inhabitants of Aden, to visit Lahej or any part of his territory for either commercial purposes or pleasure excursions. He will ensure them protection and full toleration of religion, with the exception of burning the dead.

Art. 3.—Should any British subject become amenable to the law, he is to be made over for trial and punishment to the authorities at Aden.

Art. 4.—British subjects may, with the permission of the Sultan of Lahej, hold in tenure land at Lahej or other towns or villages in his territory subject to his law; and in like manner may the ryots of the Sultan of Lahej hold property in Aden subject to British law and jurisdiction.

Art. 5.—The bridge of Khore Muksa, and the plain between it and the mountains of Aden forming the isthmus, is British property, and no further north.

Art. 6.

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Art. 6.—Sultan Ali M'Hassan Foudthel binds himself to keep the roads leading to Aden clear of plundering parties, and protect all merchandise passing through his territory, if in his power, all who plunder, molest, or injure others.

Art. 7.—Such articles as the Sultan of Lahej may personally require for his own household shall pass Aden free of all Customs duty, and in like manner all Government property shall pass the territories of the Sultan free from transit duty.

The Sultan of Lahej binds himself to levy only the following transit duties within his territory upon all goods passing into Aden from the hills; viz., belonging to British subjects:

Wheat	-	-	-	-	-	-	-	} 2 per cent. upon inland value.
Jowari	-	-	-	-	-	-	-	
Flour	-	-	-	-	-	-	-	
Ghee	-	-	-	-	-	-	-	
Grapes and fruits of all kinds	-	-	-	-	-	-	-	
Honey	-	-	-	-	-	-	-	
Foah	-	-	-	-	-	-	-	
Dholl	-	-	-	-	-	-	-	
Senna	-	-	-	-	-	-	-	
Gums fränkincense	-	-	-	-	-	-	-	
Worrus	-	-	-	-	-	-	-	
Coffee	-	-	-	-	-	-	-	
Khâat	-	-	-	-	-	-	-	
Vegetables	-	-	-	-	-	-	-	} free of duty, being the growth of the Abdali territory.
Wood	-	-	-	-	-	-	-	
Grass and kirby	-	-	-	-	-	-	-	

And 2 per cent. upon all articles not enumerated.

Articles passing out from Aden into his territory:

Outub cotton	-	-	-	-	-	-	-	2 per cent.
Snuff	-	-	-	-	-	-	-	2 "
Pepper	-	-	-	-	-	-	-	2 "
White and cotton cloths	-	-	-	-	-	-	-	2 "
Iron and lead	-	-	-	-	-	-	-	2 "
Hookas	-	-	-	-	-	-	-	2 "
Dates	-	-	-	-	-	-	-	2 "

And 2 per cent. on all articles not enumerated.

Art. 8.—Sultan Ali M'Hassan Foudthel binds himself to encourage the growth of all kinds of European and native vegetables for Aden market.

Art. 9.—Sultan Ali M'Hassan Foudthel most solemnly attests the religious sincerity of this agreement, and moreover declares that in all things relating to the peace, progress, and prosperity of Aden he will lend his utmost aid to support the interest of the British, and will listen to, and, if possible, attend to the advice of the British Government's representative in all matters.

Art. 10.—Sultan Ali M'Hassan Foudthel further binds himself by oath, that should any breach of faith or trespass on the aforesaid bond, either as concerning himself, children, relatives, chiefs, or any other person or persons of his tribe, or those in authority under him or in his pay, or by any means connected with his Government or under his jurisdiction, or should one or any one of the aforesaid persons be in any manner convicted of having been privy to, or accessory to such breach of faith or trespass on the treaty, or of committing any act of plunder on the roads leading to Aden through his territory, to take the whole responsibility on himself, and to be answerable to the British Government; further, if he, or any other above mentioned, either openly or by secret machination, protect any offender, and do not render entire satisfaction to the British, and for any breach of the above articles, he freely and solemnly swears to relinquish all claims to the salary (hereafter mentioned) granted by the Right honourable the Governor-General of India, and declares himself a perjured man.

Art. 11.—Stafford Bettesworth Haines, Captain in the Indian Navy, and Political Agent at Aden, being duly authorized, does hereby solemnly promise, in the name of

10 TREATIES, CONVENTIONS, AND ARRANGEMENTS WITH THE

ARABS.

of the Right honourable the Governor-General of India, to pay to Sultan Ali M'Hassan Foudthel, his heirs and successors, the sum of 541 German crowns per month, so long as he or they continue to act with sincerity, truth, and friendship towards the British, and in every respect strictly adhering to the terms of this treaty.

This treaty is concluded and agreed to this 7th day of May, in the year of our Lord 1849.

(Seal of the
Sultan of Lahej.)

(signed)

Ali M'Hassan Foudthel.

(Seal.)

(signed)

*Stafford Bettesworth Haines,
Captain I. N., and Political
Agent at Aden.*

(Seal.)

(signed)

Dalhousie.

Memorandum.—This treaty was ratified by the Right honourable the Governor-General of India, on the 30th October 1849.

Memorandum.—During the months of January, February, and March 1839, the following Engagements were concluded by Captain Haines, Political Agent at Aden, with the undermentioned Tribes inhabiting countries in the vicinity of Lahej.

Hazzabee Tribe.

HAZZABEE TRIBE.

ENGAGEMENT of Friendship and Peace concluded on the 31st January 1839, between Captain *Haines*, of the Indian Navy, on behalf of the Honourable East India Company and the Huzzabee Tribe.

BISMILLAHIR Rahmanir Raheem Bemunnihee 'talla. This agreement is between the Hazzabees for peace, on the part of Shaikh Abdullah Hazzaab, Shaikh Hamed Bin Abdullah Hazaab, Shaikh Mahomed Bin Abdullah Hazzaab, Mukkee Hazzabee, and Commander Haines, the English agent, on the part of Government. We are now friends, and promise peace and friendship, great and lasting friendship, and that our hearts and wishes are one.

Further, that there shall be peace and friendship with Aden; and that, when any of our subjects or the subjects of Britain pass into each other's territory, neither party shall be insulted or injured. We are one. If the subjects of either do wrong, they are to be given over for punishment by their own laws.

Dated 31st January 1839.

Witnesses.

Synd Alooe Bin Hydroos.

Ali Bin Boobekur.

Raschid Abdullah.

(signed)

*Shaikh Mahomed Bin Abdullah.
Hazzaab Mukke Hazzabee.*

(signed)

S. B. Haines.

Chief of Waheel.

CHIEF OF WAHEEL.

ENGAGEMENT concluded on the 2d February 1839, between Synd Mahomed Jaffer Bin Synd Hydroos, Chief of Waheel, and all under him, and Commander *Haines*, of the Indian Navy, on behalf of the Honourable East India Company.

We agree to lasting peace and friendship.

Aden is open for our free intercourse and friendship, and so is our country to each other; and both parties agree there shall be no oppression or insult.

Dated 2d February 1839.

(signed)

Synd Mahomed Jaffer Bin Synd Hydroos.

HAGRABEES.

Hagrabees.

ENGAGEMENT of Peace and Friendship entered into on the 4th February 1839, by Sultan Hydra Bin Maidee, of the Hagrabees, and Shaikh Abdul Kureem Bin Sallah Maidee, Shaikh Foudthel Bin Hydra Bin Admed of Sela, Hagrabee Chiefs, with Commander *Haines*, of the Indian Navy, on behalf of the Honourable East India Company.

BETWEEN the British and Hagrabees there shall be peace and lasting friendship. Aden, belonging to the English and the Hagrabee tribe, shall be at peace, and firm friends. If the subjects of either wish to have free intercourse in each other's territory, they shall be welcome, and receive neither molestation nor insult.

If the English wish to enter the Hagrabee territory they shall be respected and received with kindness, for they are friends. If any disturbance should take place between the subjects of either country, the culprit, if English, is to be given over to the laws of Aden, if Hagrabee, to the laws of the Sultan, for punishment.

In witness of the agreement in the presence God.

Dated Aden, the 4th February 1839.

Signed by Sultan *Hydra Bin Maidee*.

Witesses.

Synd Alooe.

Raschid Abdulla.

Jaffer Bin Moolla Abool.

(signed) *S. B. Haines*.

SHAIKH EL ABBADEE.

Shaikh el Abbadee.

ENGAGEMENT entered into on the 18th February 1839 between Shaikh Iwas Bin Sallaam el Abbadee and his Tribe, with Commander *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

BETWEEN our respective territory there shall be peace and friendship, and Aden shall be at peace with the Abbadees.

A free intercourse for barter shall be permitted, without insult or oppression; and in proof of the faith of this, Shaikh Iwas Bin Sallaam agrees that his people shall not molest or plunder on the roads leading to Aden, and if any such misdemeanor occurs he will be answerable.

Dated the 18th February 1839.

(signed) *Iwas Bin Sallaam el Abbadee*.

Witness.

Synd Alooe.

(signed) *S. B. Haines*.

SHAIKH MAIDEE.

Shaikh Maidee.

ENGAGEMENT of Peace and Friendship entered into on the 18th February 1839 by Shaikh Maidee Bin Ali Zabaree, with Commander *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

BETWEEN us and our countries there shall be peace and friendship. It shall be lasting. Our interest shall be one.

We agree that Aden and the English shall be at peace with my tribe, and that the subjects of either may enter the other's territory, and shall neither be oppressed nor insulted, but treated with friendship. This we promise on both sides.

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ARABS.

Whoever may enter Aden of Shaikh Maidee's tribe shall be respected and allowed free intercourse, attending of course to the laws.

If robbery on the roads take place, either by Shaikh Maidee's tribe or any other within his district, he will be responsible.

Dated the 18th February 1839.

(signed) *Shaikh Maidee Bin Ali.*
(signed) *S. B. Haines.*

Witnesses.

M'Hassan Shah Moutee.
Synd Alooe.

Shaikh of Zaidee.

SHAIKH OF ZAIDEE.

ENGAGEMENT entered into on the 18th February 1839 by the Shaikh of Zaidee, Shaikh Sallah Ammoidee, with Commodore *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

BETWEEN our respective countries there shall be peace and friendship, and Aden be at peace with us. The subjects of either may enter the other's territory without being subject to insult or oppression, merely attending to the laws.

Dated the 18th February 1839.

Witness. (signed) *Shaikh Sallah Ammoidee.*
(signed) *S. B. Haines.*
Abdool Russook Kazee.

Subees.

SUBEEES.

ENGAGEMENT entered into on the 19th February 1839 by Shaikh Mahomed Synd Muswadee, and Shaikh Iwas Abdullah, Shaikh Mahomed Bin Ahmed, Shaikh Koel of the Muswaidee Territory of the Subees, and Commander *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

BETWEEN us there shall be friendship and lasting peace; our wishes shall be one of kindness. Aden shall be at peace with us, and the subjects of both countries shall be at peace. No molestation or insult shall be offered in their intercourse with each other.

Dated the 19th February 1839.

Signed by the Chieftains.

Witnesses.

Aadul Russooh Kazee of Aden.
Jaffer Bin Moolla Abool.

ENGAGEMENT of Peace and Friendship entered into on the 20th February 1839 by Shaikh Mahomed Bin Ali Busalee of the Southern Subdivision of the Subees, with Commander *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

BETWEEN us there shall be lasting friendship and peace, and we agree to it in the presence of God. Our friendship shall be as one.

There shall be peace with Aden, and the subjects of my tribe and the subjects of the British shall have free intercourse, and not be molested or insulted in either's territory.

Any breach of this treaty, or of the roads to the Red Sea being infested with robbers, shall be on the head of the Shaikh Mahomed Bin Ali, and he will be answerable that no Kafelas shall be molested. This Shaikh Mahomed Bin Ali not only promises in his own district, but in that of the tribe of Artefee, whom he also controls.

If

NATIVE STATES OF INDIA, MADE SINCE 1 MAY 1834. 13

If property, either from Aden or from the Subee territory, wishes to pass through the other territory, it shall be respected and protected; and for any infringement Shaikh Mahomed Busalee shall be answerable. ARABS.

Dated the 20th February 1839.

(signed) *Shaikh Mahomed Bin Ali Busalee.*

Witnesses.

Synd Alooe.

Ali Bin Abdulla.

Shaikh Arsel Musaidee.

(signed) *S. B. Haines.*

YAFFAAES.

Yaffaaes.

ENGAGEMENT of Friendship and Peace entered into on the 21st February 1839 by Shaikh Arsel Bin Hydee Bin Ahmed Musaidee of a District of the Yaffaaes, and the accredited Agent from the ancient Chieftain Sultan Ali Goolab of the Yaffaaes, with Commander *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

WE agree that there shall be peace and friendship between us, and that the English at Aden shall be at peace with us. Should the subjects of either country enter the other's territory they shall not be molested or insulted, but be considered as friends.

If Kafelas from the Yaffaae district wish to enter Aden by the Gar Wallah territory for trade they shall not be molested, but the property respected by both parties, and the owners allowed free intercourse and barter. They may export from Aden, and they shall be respected.

Dated Aden, the 21st February 1839.

(signed) *Shaikh Arsel Bin Hydee Bin Hamed.*

Witness.

Alli Abdullah Synd Alooe.

SHERZEBEE TRIBE.

Sherzebee Tribe.

ENGAGEMENT of Friendship and Peace entered into on the 10th March 1839, by Aoun Bin Yoosoof Sherzebee with Captain *Haines* of the Indian Navy, on behalf of the Honourable East India Company.

THIS paper is my witness, and is written by Shaikh Kasim Bin Synd Sherzebee, and the interpretation is good. I am a friend, and a great friend, with the English; it is true and permanent friendship. I trust in God that it will never be otherwise, and that nothing wrong shall ever take place, not even the slightest insult. My people shall enter your territory, and yours mine, as friends. Whatever the English please shall be done, and there shall never be two words. I will always act upon your seal, whatever it may be. Our friendship is known to God, and he is witness to it.

Dated the 10th March 1839.

(signed) *Aoun Bin Yoosoof Sherzebee.*

Witnesses,

Synd Alooe Bin Zain Bin Sub Hydroos.

Jaffer Haydee Shaikh Othman.

(signed) *S. B. Haines,*
Political Agent.

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PERPETUAL TREATY of Peace, agreed upon on the 4th May 1853, by the Chiefs of the Arabian Coast, under the mediation of Captain *Arnold Burrowes Kemball*, Resident in the Persian Gulf.

Treaty of Peace in perpetuity, agreed upon by the Chiefs of the Arabian Coast, in behalf of themselves, their Heirs and Successors, under the mediation of the Resident in the Persian Gulf.

We, whose seals are hereunto affixed, Shaikh Sultan Bin Suggur, Chief of Rasool Khymah; Shaikh Saeed Bin Tahnoon, Chief of Aboothabee; Shaikh Saeed Bin Butye, Chief of Debaye; Shaikh Humaid Bin Rashid, Chief of Ejman; Shaikh Abdoollah Bin Rashed, Chief of Amulgavine.

* See page 1.

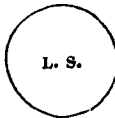
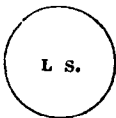
Having experienced for a series of years the benefits and advantages resulting from a maritime truce* contracted amongst ourselves, under the mediation of the Resident in the Persian Gulf, and renewed from time to time up to the present period; and being fully impressed, therefore, with a sense of the evil consequences formerly arising from the prosecution of our feuds at sea, whereby our subjects and dependents were prevented from carrying on the pearl fishery in security, and were exposed to interruption and molestation when passing on their lawful occasions; accordingly, we, as aforesaid, have determined, for ourselves, our heirs and successors, to conclude together a lasting and inviolable peace from this time forth in perpetuity, and do hereby agree to bind ourselves down to observe the following conditions:—

1. That from this date, viz. 25th Rujub 1269, 4th May 1853, and hereafter, there shall be a complete cessation of hostilities at sea, between our respective subjects and dependents, and a perfect maritime truce shall endure between ourselves and between our successors respectively for evermore.
2. That in the event, which God forbid, of any of our subjects or dependents committing an act of aggression at sea upon the lives or property of those of any of the parties to this agreement, we will immediately punish the assailant, and proceed to afford full redress upon the same being brought to our notice.
3. That in the event of an act of aggression being committed at sea by any of those who are subscribers with us to this engagement, upon any of our subjects or dependents, we will not proceed immediately to retaliate, but will inform the British Resident, or the commodore at Bassadore, who will forthwith take the necessary steps for obtaining reparation for the injury inflicted, provided that its occurrence can be satisfactorily proved.

We further agree, that the maintenance of the peace now concluded amongst us shall be watched over by the British Government, who will take steps to insure at all times the due observance of the above articles, and God of this is the best witness and guarantee.

Abdoollah Bin Rashid,

Humaid Bin Rashid,



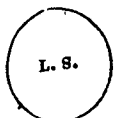
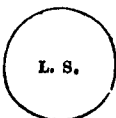
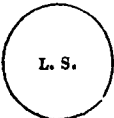
Chief of Amulgavine.

Chief of Ejman.

Saeed Bin Butye,

Saeed Bin Tahnoon,

Sultan Bin Suggur,



Chief of Debaye.

Chief of the Beniyas.

Chief of the Joasmees.

Memo.—This treaty was approved by the Most Noble the Governor-general of India in Council on the 24th August 1853.

BUHAWULPOOR.

BUHAWULPOOR.

TREATY concluded between the Honourable the East India Company and Nuwab Buhawul Khan, Ruler of Buhawulpore, dated the 22d of February 1833.

By the blessing of God the friendly connexion between the Honourable the East India Company and the State of Buhawulpore, which commenced on the occasion of the Honourable Mr. Elphinstone's visit to Cabool in 1808-9, has continued uninterrupted to the present time; and now that Captain C. M. Wade, Political Agent at Loodianah, has arrived at Bahawulpore, on the part of the Right honourable Lord W. C. Bentinck, G. C. B. and G. C. H., the Governor-general of British India, in order to improve these amicable relations, and concert the opening of the navigation of the Rivers Indus and Sutlej, with a view to promote the general interests of commerce, which is pleasing to God, and the prosperity of the surrounding states, the following are the articles of a treaty which has been concluded through the agency of that officer between the Honourable the East India Company on the one part, and Nuwab Rook-nood-Dowlah Háfézoool Moolk Mookhlisood Dowlah Mahomed Bahawul Khan Abbasee Noosrut Jung Bahadoor, the chief of the Doodpootrahs, on the other, for the purpose of confirming the friendship of the two states, the opening of the trade by the above-mentioned rivers, and regulating the manner in which the arrangements connected with it are to be carried into effect.

Article 1.—There shall be eternal friendship and alliance between the Honourable the East India Company and Nuwab Mahomed Bahawul Khan, his heirs and successors.

Art. 2.—The Honourable the East India Company engage never to interfere with the hereditary or other possessions of the Buhawulpore Government.

Art. 3.—As regards the internal administration of his government, and the exercise of his sovereign rights over his subjects, the Nuwab shall be entirely independent as heretofore.

Art. 4.—The officer who may be appointed on the part of the British Government to reside in the Bahawulpore state shall, in conformity with the preceding Article, abstain from all interference with the Nuwab's Government, and respect the preservation of the friendly relations of the two contracting parties.

Art. 5.—The Honourable the East India Company having requested the use of the Rivers Indus and Sutlej, and the roads of Buhawulpore, for the merchants of Hindoostan, &c., the government of Buhawulpore agrees to grant the same through its own boundaries, if the persons aforesaid be provided with passports.

Art. 6.—The government of Buhawulpore engages to fix, in concert with the British Government, certain proper and moderate duties to be levied on merchandise proceeding by the aforesaid route, and never to increase or diminish the same, except with the consent of both parties.

Art. 7.—It is further agreed that the tariff or table of duties fixed as above shall be published for general information; and the custom-house officers and farmers of the revenues of the Buhawulpore Government will be especially directed not to detain the passing trade, after having collected the duties, on pretence of waiting for fresh orders from their government, or any other pretext.

Art. 8.—The tariff which is to be established for the line of navigation in question is intended to apply exclusively to the passage of merchandise by that route, and not to interfere with the transit duties levied on goods proceeding from one bank of the river to the other, or with the established chokies in land.

Art. 9.—Merchants frequenting the said route, while within the limits of the Nuwab's Government, are required to show a due regard to his authority, as is done by merchants generally, and not to commit any acts offensive to the civil and religious institutions of the country.

Art. 10.—The proportion of duties to which the Nuwab may be entitled shall be collected by his officers at the appointed places.

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Art. 11.—The officers who are to be entrusted with the examination of the goods and collection of the duties on the part of the Buhawulpore Government shall be stationed opposite Mithenkote and Hurreeke. At no other place but those two shall boats in transit on the river be liable to examination or stoppage.

Art. 12.—When the persons in charge of boats stop of their own accord, to take in or give out cargo, the goods will be liable to the local transit duty of the Buhawulpore Government previously to their being embarked, and subsequently to their being landed, as provided in Article 8.

Art. 13.—The superintendent stationed opposite to Mithenkote, having examined the cargo, will levy the established duty, and grant a passport, with a written account of the cargo and freight. On the arrival of the boat at Hurreeke, the superintendent at that station will compare the passport with the cargo, and whatever goods are found in excess will be liable to the payment of the established duty, while the rest, having already paid duty at Mithenkote, will pass on free.

Art. 14.—The same regulation shall be in force for merchandise coming from Hurreeke towards Sind.

Art. 15.—With regard to the safety of merchants who may frequent this route, the Nuwab's officers will afford them every protection in their power, and whenever merchants may happen to halt for the night, it will be incumbent on them to show their passport to the thanadar or other officers in authority at the place, and to demand their protection.

Art. 16.—The articles of the present treaty shall in all respects, whether relating to the internal government of the Nuwab's country or to commerce, be mutually observed, and form an everlasting bond of friendship between the two states.

Dated at Buhawulpore, 22d February 1833.

(Company's seal.)

(signed) *W. C. Bentinck.*

Ratified by the Right Honourable the Governor-general of India in Council on the 13th September 1833.

ARTICLES of a Supplementary Treaty between the Honourable East India Company and the Government of Buhawulpore, ratified on the 5th March 1835.

WHEREAS in the sixth article of the treaty concluded between the Honourable the East India Company and the Bahawulpore Government, dated the 22d of February 1833, it was stipulated that a moderate scale of duties should be fixed by the two governments in concert, to be levied on all merchandise in transit up and down the Rivers Indus and Sutlej; the said governments being now of opinion that, owing to the inexperience of the people of these countries in such matters, the mode of levying duties then proposed (viz., on the value and quantity of goods), could not fail to give rise to mutual misunderstandings and reclamations, have, with a view to prevent these results, determined to substitute a toll which shall be levied on boats, with whatever merchandise laden.

Article 1.—A toll of 570 rupees shall be levied on all boats laden with merchandise in transit on the River Indus and Sutlej between the sea and Rooper, without reference to their size, or to the weight or value of their cargo; the above toll to be divided among the different states in proportion to the extent of territory which they possess on the banks of these rivers.

Art. 2.—The portion of the above toll appertaining to the Buhawulpore State, and amounting to Rs. 106. 12. 2½ shall be levied opposite to Mithenkote on boats coming from the sea towards Rooper, and in the vicinity of Hurreeke Petten on boats going from Rooper towards the sea, and at no other place.

Art. 3.—In order to facilitate the realization of the toll due to the different states, as well as for the speedy and satisfactory adjustment of any disputes which may arise connected with the safety of the navigation and the welfare of the trade
by.

by the new route, a British officer will reside near Mithenkote, and a native agent on the part of the British Government in the vicinity of Hurreeke Petten. These officers will be subject to the orders of the British agent at Loodhianah; and the agents who may be appointed to reside at those places on the part of the other states concerned in the navigation will co-operate with them in the execution of their duties. BUHAWULPOOR

Art. 4.—The British Government binds itself that the British officer who may reside near Mithenkote shall not engage in trade, and (in conformity with the 4th article of the former treaty) that he shall not interfere in any way with the internal administration of the Buhawulpore Government.

Art. 5.—In order to guard against imposition on the part of merchants, in making false complaints of being plundered of property which they never possessed, they are required, when taking out their passports, to produce an invoice of their cargo, which being duly authenticated, a copy of it will be annexed to their passports.

Art. 6.—Such parts of the 6th, 7th, 11th, 13th, and 14th Articles of the treaty of the 22d February 1833, as have reference to fixing a duty on the value and quantity of merchandise, and to the mode of its collection, are hereby rescinded, and the foregoing articles substituted in their place, agreeably to which and the conditions of the preamble the toll shall be levied.

(True copy and translation),

(signed), C. M. Wade,
Political Agent, &c.

(Company's seal.)

W. C. Bentinck.

Ratified by the Right Honourable the Governor-general of India in Council on the 5th March 1835.

TREATY between the Honourable the English East India Company and Nuwab Buhawul Khan Bahadoor, the Nuwab of Buhawulpore, concluded on the 5th October 1838, by Lieutenant *Mackeson*, on the part of the Honourable Company, in virtue of full powers granted by the Right Honourable *George Lord Auckland*, G.C.B., Governor-general of India, and by *Moonshee Chowkas Roy* on the part of the Nuwab Buhawul Khan Bahadoor, according to full powers given by the Nuwab.

ARTICLE 1.—There shall be perpetual friendship, alliance, and unity of interests between the Honourable Company and Nuwab Buhawul Khan Bahadoor, and his heirs and successors, and the friends and enemies of one party shall be the friends and enemies of both parties.

Art. 2.—The British Government engages to protect the principality and territory of Buhawulpore.

Art. 3.—Nuwab Buhawul Khan, and his heirs and successors, will act in subordinate co-operation with the British Government, and acknowledge its supremacy, and will not have any connexion with any other chiefs or states.

Art. 4.—The Nuwab, and his heirs and successors, will not enter into negotiation with any chief or state without the knowledge and sanction of the British Government, but the usual amicable correspondence with friends and relations shall continue.

Art. 5.—The Nuwab, and his heirs and successors, will not commit aggressions on any one. If by accident any dispute arise with any one, the settlement of it shall be submitted to the arbitration and award of the British Government.

Art. 6.—The Nuwab of Buhawulpore will furnish troops at the requisition of the British Government according to his means.

Art. 7.—The Nuwab, and his heirs and successors, shall be absolute rulers of their country, and the British jurisdiction shall not be introduced into that principality.

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BUHAWULPOOR. Art. 8.—This treaty of seven articles having been concluded, and signed and sealed by Lieutenant Mackeson and Moonshee Chowkas Roy, the ratifications by the Right Honourable the Governor-general and Nuwab Buhawul Khan Bahadoor shall be exchanged within 40 days from the present date.

Done at Ahmudpore, this 5th day of October A.D. 1838 (corresponding with the 14th of Rujubool Moorujub 1254, Hijree).

(signed) Auckland.

(Governor-general's Seal.)

Ratified and confirmed by the Right honourable the Governor-general, at Simla, the 22d day of October A.D. 1838.

DETAILED Statement of the Amount of Toll leviable in the Buhawulpoor Territory on Boats proceeding up and down the Rivers Sutlej and Indus, approved by the Right Honourable the Governor-general of India on the 11th October 1838.

WHEREAS by the treaty of the 27th of the month of Shaban 1250, Hijree, (agreeing with the 29th of the month of December 1834, A.D.) the Buhawulpoor Government is entitled, on account of the whole extent of its territory, to levy at the appointed places a toll of 106 rupees, 12 annas, and 3 pies, on all boats laden with merchandise proceeding from Rooper towards the sea, or from the sea towards Rooper; the same will continue in force; but as some of the boats are found not to pass through the whole extent of the Buhawulpore territory, but, on the contrary, to lay in cargoes at and set out from or dispose of their cargoes at and return from places on the way, it is therefore agreed that on such boats the amounts of toll to be levied shall be regulated by the relative distances of the places from which, after laying in a cargo, they take their departure, or from which, after disposing of their goods, they return, as follows:—

1st. On all boats laden with merchandise proceeding from beyond the eastern frontier of the Buhawulpoor territory to Khairpur Shargia, and <i>vice versa</i> , the Buhawulpore Government is entitled to levy, both in coming and going, on account of river toll, the sum noted in the margin	Rs.	a.	p.
- - - - -	53	6	1½
Ditto - - ditto from beyond the eastern frontier to Buhawulpoor, and <i>vice versa</i> - - - - -	66	11	8
Ditto - - ditto from beyond the eastern frontier to Chochram, and <i>vice versa</i> - - - - -	93	6	8½
Ditto - - ditto from beyond the north-east frontier to the south-west frontier, and <i>vice versa</i> - - - - -	106	12	3
2d. In the same manner, on all boats laden with merchandise proceeding from beyond the south-eastern frontier to Chochram, and <i>vice versa</i> , the Buhawulpoor Government is entitled to levy, both in coming and going, on account of river toll, the sum noted in the margin	13	5	6
Ditto - - ditto from beyond the south-west frontier to Buhawulpore, and <i>vice versa</i> - - - - -	40	-	6
Ditto - - ditto from beyond the south-west frontier to Khairpore, and <i>vice versa</i> - - - - -	53	6	1½
Ditto - - ditto from beyond the south-west frontier to the north-east frontier, and <i>vice versa</i> - - - - -	106	12	3

3d. On

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>	BUHAWULPOOR
3d. On all boats laden with merchandize from the rivers of the Punjab that enter the channel of the Sutlej and Indus opposite the ferry to beyond the south-west frontier of the Buhawulpoor territory, and into a foreign territory, or <i>vice versa</i> , the Buhawulpoor Government is entitled to levy on account of river toll, and according to the extent of its territory traversing, the sum noted in the margin -	26	11	-	3
Ditto - ditto on boats proceeding from the Ferry of Bakri to beyond the north-east frontier and into a foreign territory, and <i>vice versa</i> -	80	1	2	1

4th.—On empty boats no duty is levied.

5th.—At whatever place in the Buhawulpoor territory merchants may stop to lay in or dispose of cargo, agreeably to the former treaties, they will pay the established duties of that place on the purchase and sale of goods.

(signed) *F. Mackeson.*

Approved by the Governor-general of India, on the 11th October 1838.

PROPOSED RATES for the Navigation of the Sutlej and the Indus by Mercantile Boats (excepting the Nawab Buhawal Khan's own Merchants and Subjects), to be paid for the Transit through the Buhawulpore Territory, dated 5th August 1840, and sanctioned by the Government of India on the 31st of the same month.

Article 1.—Grain, wood, and limestone free, as in the Lahore territory.

Art. 2.—Besides the above three things, duties to be levied on all sorts of merchandise according to three sizes of boats.

Art. 3.—A boat not capable of containing more than 250 maunds of freight, proceeding from Rajhan to Kote Mithen, to the foot of the hills, Rooper, Loodhianah, &c., or from Rooper or Loodhianah to Rajhan or Kote Mithen -	<i>Rs.</i> 10
A boat above 250 maunds and not exceeding 500 maunds -	20
A boat above 500 maunds -	40

Art. 4.—No. 1, 2, or 3 to be written in large letters on the boat, to show the class to which each boat belongs.

Dated 5th August 1840 (corresponding with 5th Jumadee-oos-sanee 1256, Hijree).

(True translation.)

(signed) Geo. Clerk,
Agent, Governor-general.

Sanctioned by the Right Honourable the Governor-general of India in Council on the 31st August 1840.

AGREEMENT regarding the Levy of Duties on Merchandise in transit through the Buhawulpore State (except the Merchants and Mercantile Firms, the proper Subjects of the Buhawulpore State). The following Articles have been agreed to between the British and the Buhawulpore Government, dated the 11th September 1843.

1st. ON boats freighted with merchandise going up or down the river through the Buhawulpore country the duties shall be only one-half of the present fixed rates.

20 TREATIES, CONVENTIONS, AND ARRANGEMENTS WITH THE

BUHAWULPOOR. 2d. On merchandise passing in any direction by land, no other duties shall be levied than the following; viz.

								Rs.	a.	p.
On a hackery laden with merchandise	-	-	-	-	-	-	-	2	-	-
On a camel	-	ditto	-	-	-	-	-	1	-	-
On a mule, poney, bullock, or an ass, ditto	-	-	-	-	-	-	-	8	-	-

3d. Any merchant having with him a passport or "rowannah," according to the form annexed to this agreement, shall pass safe, unmolested, and without search by the local officers on the road.

4th. If any merchant buy or sell the merchandise at any place or town on the road, he will have to pay there the usual local duties.

5th. As there exist no pukka wells and caravanseraies for the use of travellers on the road from Buhawulpore to Sirsa, the Buhawulpore Government will, throughout its jurisdiction, at every stage, prepare pukka wells and caravanseraies for the comfort of travellers, as well as a road along that route, and keep it in order, by taking constant care to keep it in repair.

6th. This agreement has been drawn up in accordance with the friendship subsisting between the two Governments, and in order that merchants may satisfactorily and in full confidence engage in the trade.

Dated 15th Shaban 1259, Hijree (corresponding with 11th September 1843, A. D.)

(True translation.)

(signed) R. N. C. Hamilton.

(Seal of the Nuwab.)

Notified in the "Calcutta Government Gazette," by order of the Right Honourable the Governor-general of India in Council, on the 28th of October 1843.

CACHAR
(UPPER).

CACHAR (UPPER).

TERMS of Agreement concluded with Toola Ram Seenaputtee, on the 3d November, under the Orders of Government, dated 16th October 1834.

1st. TOOLA RAM foregoes all claims to the country between the Morehur and Dyung and the Dyung and Keopoli rivers, from which he was dispossessed by Gavind Ram and Doorga Ram.

2d. Toola Ram is to hold the remainder of the country formerly in his possession, or the tract of country bounded on the west by the Dyung River, and a line, to be determined hereafter, drawn from the Baree Ford or the Dyung to a point on the Jumona River, between the cultivation of Seil Dhurmpore and of Duboka, and the Hajae (excluding the two latter), by the Jumona and Dyung Rivers north, by the Dunsira River east, and to the south and south-west by the Naga Hills and Mowheir River; and he agrees to hold the above tract in dependence on the British Government, and to pay a yearly tribute for their protection of four pairs of elephants' teeth, each pair to weigh 35 seers.

3d. Toola Ram, during his life, shall receive from the British Government a stipend of 50 rupees a month, in consideration of the foregoing cessions and these agreements.

4th. The British Government shall have the right of placing military posts in any part of Toola Ram's country, and, should there be occasion to march troops through it, Toola Ram engages to furnish them with all the requisites of carriage and provisions in his power, he being paid for the same.

5th. All petty offences committed within Toola Ram's country he shall take cognizance of, and do justice according to the custom of the country; but all heinous

heinous crimes shall be transferred to the nearest British court, and Toola Ram engages to bring such to notice, and endeavour to apprehend the offenders.

CACHAR
(UPPER).

6th. Toola Ram shall not establish any custom chowkies on the rivers forming the boundaries of his country.

7th. Toola Ram will not commence any military operations against neighbouring chiefs without permission of the British Government; and in case of being attacked, he shall report the same, and be protected by British troops, provided the British authorities are satisfied that the aggression has been unprovoked on his part.

8th. Ryots shall not be prevented from emigrating to and settling on either side of the boundary they may prefer.

9th. In case of failing to abide by these conditions the British Government shall be at liberty to take possession of my country.

(signed) *Toola Ram Seenaputtee.*

Witnesses.

Bapoor Ram Muntree Borrah Phookan.
Habeerain Mogoomdar Bawoah.
Madhorain Rajah Khon.

GUICKWAR.

GUICKWAR.

TRANSLATION of a Proclamation in Murathee and Goojurathee, issued by His Highness the Gaekwar, on the 13th April 1840, abolishing Suttee within his Dominions.

Shree Mhalsa Kant,

Substituted for the signature of the Prince.

(Seal of State of Syajee Ras.)

PROCLAMATION by the Guickwar Government, Senakhaskhel Shumshur Bahadoor.

Be it known to all, that within this Government women of every caste are prohibited from becoming suttee. It is therefore incumbent on every one to take notice of this order, and act conformably thereto. Should any females, in contravention of this order, take steps to perform this ceremony, whoever may be accessory and aiding therein shall be severely punished by Government. Every one is to bear in recollection this injunction, and demean themselves accordingly.

Dated 10th Suffur Soor Sun 1240, corresponding with the 13th April 1830, A.D.

(Signet.)

(True translation).

(signed) James Sutherland,
Political Commissioner and Resident.

THE following Rules, exempting Vessels trading between Bombay and Sind, forced into any of His Highness the Gaekwar Ports in Katteewar, by Stress of Weather, from the Payment of the Duties heretofore exacted at those Ports, were agreed to by His Highness, on the 31st October 1844.

Rule 1.—Should a boat on her voyage between Bombay and any port in Scinde be driven into the mahals of this sirkar by stress of weather, and land its cargo, no duty of any kind, and no port or anchorage fee, will be exacted, provided the vessel remains in the harbour only a reasonable time. If a single package be landed for the purpose of sale or traffic, or if the vessel refuse to pursue her voyage when able to do so, then the full amount of duty shall be levied on the

GUICKWAR.
—

whole cargo, and every port or other fee be also levied in the usual manner; and the vessel treated in every respect as if consigned to the ports of this sirkar's mahals.

Rule 2.—Should a boat, under the circumstances mentioned at the commencement of Rule 1, put into the ports of Okamundul, &c., in so bad a state as to be obliged to discharge her cargo into another boat, which conveys it to its original destination, no duty will be levied, provided nothing is landed for sale, and provided no unnecessary delay takes place in the sailing of the boat with the trans-shipped cargo. Damaged goods may be landed and sold, under the sanction of the custom-house officers, on payment of the usual duties.

Rule 3.—Should a boat, under the above circumstances, put into the ports of Okamundul, &c., and undergo repairs, landing her cargo in the mean time, no duty will be levied, provided there is no unnecessary delay, and provided that on re-shipping, every package of the original cargo is duly accounted for, to the satisfaction of the custom master of the port.

Rule 4.—Should a boat put into the ports of Okamundul, &c., under the circumstances above mentioned, and undergo slight repairs, without discharging any part of her cargo, no duty whatever will be levied, provided the repairs do not occupy more than a reasonable number of days.

Rule 5.—Should a boat put into the ports of Okamundul, &c., under the above circumstances, at the close of the season, and be compelled to lay up for the monsoon, security will in the first place be given for the full amount of customs due on the whole cargo, and all port and anchorage fees shall be paid. The goods may then be landed and warehoused, at the expense and risk of the owner or tindal of the vessel. The original invoice of the cargo, or an authentic copy, shall be deposited with the customs authorities, and if, on re-shipping, it shall be discovered that a single package has been opened or missing, and cannot be accounted for satisfactorily, the full amount of customs shall be made good, according to the security previously given. The goods must be re-shipped in the same vessel which brought them, unless she be proved not seaworthy, in which case they may be forwarded on another. All damaged or perishable goods may be sold, under the sanction of the custom-house officers, and on payment of the usual duties.

Rule 6.—When any doubts arise as to the application of any of the above rules, the chief Gaekwar authority of the mahals, if unable to settle the matter otherwise, will refer to the Political Agent, and act according to his opinion and advice. His Highness the Gaekwar reserves to himself the full right of punishing any tindals, owners, or supercargoes of boats, who attempt to evade these regulations, and to take advantage of them for the purpose of defrauding the revenue of the Durbar; but should the offender belong to foreign jurisdiction, the kamdar must refer the case to the Political Agent, and act according to his advice; and pending the receipt of that officer's reply detain the offender in custody. The public must be duly made acquainted with these rules.

Dated Ashwin Vud, 5th Sumvut 1901, corresponding with the 31st October 1844, A. D.

(True Translation.)

(signed) T. Ogilvy,
Acting First Assistant Political Commissioner
and Resident in Charge.

Memorandum.—Under date the 19th May 1850, his Highness the Gaekwar, with reference to a similar agreement made on the 20th and 30th December 1849 by his Highness the Jam of Nawanuggur, the Nuwab of Joonagur, the Rana of Porbunder, the Thakoor of Bhownuggur, and the Serder of Jafferabad, extended the foregoing rules to all vessels belonging to any port in Katteewur, or in the territory of the British Government, with the reservation that in the event of any boat continuing to remain in the same port for its own convenience after the return of fair weather, or disposing of or changing any portion of its cargo, his Highness reserves to himself the right of levying the customary duties.

HILL STATES.—Koomharsain.

HILL STATES.
—Koomharsain.TRANSLATION of an Agreement subscribed to by Meea Pretum Singh of
Koomharsain.

WHEREAS it having pleased the Right Honourable the Governor-general of India to confer on me the grant of the Thakoorae of Koomharsain, subject to the fulfilment of certain stipulations and conditions herein mentioned, I, Pretum Singh of Koomharsain, do hereby agree and bind myself, my heirs and successors, to perform faithfully and truly the whole of the articles contained in the said stipulations and conditions.

1. That I will pay to the British Government a yearly Nuzurana amounting to Company's rupees (2,000) two thousand, and that the said Nuzurana shall be paid by three regular instalments of Company's rupees, six hundred and sixty-six, ten annas, and eight pies each (Company's Rupees 666. 10. 8.) in the months of April, August, and December of each year respectively.

2. That I shall respect and maintain inviolate all Jageers and charitable allowances as fixed by Government, and specified in the Schedule hereunto appended.

3. That I bind myself, my heirs and successors, to abolish all oppressive fines, forced contributions, and undue exactions which may have hitherto prevailed in the above-named Thakoorae.

1st. Such as the trial commonly known by the term "Doobuntur," in which an institution fee of one rupee is exacted from both the plaintiff and defendant, and after being tested by the ordeal of lifting up a gold and silver ball a second fee of seven rupees was exacted from the party who gained the cause, and ten rupees from the loser.

2d. Thek, or the receiving of a Nuzurana as inducements for forcibly dispossessing one individual of his land and transferring it to another.

3d. Dund, or the exacting a fine as a compromise in cases where a female deserts her husband, and seeks the protection of another individual.

4th. Chuttree, or the levying of a fine of one rupee upon any individual who may slaughter a goat, and neglect to give the head and shoulders of the animal to the chieftain.

5th. Beenah, or the exaction of a fine upon any person who may kill a musk deer, and refuse or neglect to deliver the musk obtained from the animal to the chieftain.

4. That I will not oppress my subjects, nor allow others to do so, but will to the best of my ability maintain truth and justice throughout the territory under my jurisdiction, and that I will prove faithful to the British Government, and to the trust herein reposed in me, conforming to such orders as may from time to time be conveyed to me through the local agents.

5. That I shall strictly prohibit the cruel and inhuman practice of infanticide throughout the territory, and punish severely every instance of a violation of this rule which may come under my knowledge.

All the above articles I do most solemnly agree to on my own part, and that of my heirs and successors.

Dated this 23d day of June 1840 of the Christian Era.

Witnessed by (signed in Hindvee),
(signed in Persian) Meea Pretum Singh.
Dowlut Ram, Tehseeldar of the Putiala Hill States.

(signed in Hindvee)
Ramdut Wuzeer.
Balkoo Mahta.

24 TREATIES, CONVENTIONS, AND ARRANGEMENTS WITH THE

HILL STATES.
—Koomharsain.

SCHEDULE of Jageers and Charitable Allowances.

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
1. First Ranee of the late Runjore Singh, pension	200	-	-			
Estimated produce of two koties - - -	50	-	-	250	-	-
2. Second Ranee of the late Runjore Singh, pension	200	-	-			
Estimated produce of two koties - - -	50	-	-	250	-	-
3. Third Ranee of the late Runjore Singh, pension	200	-	-			
Estimated produce of two koties - - -	50	-	-	250	-	-
4. Patum Singh and Chundun Singh, illegitimate sons of the late Rana - - - pension	100	-	-			
Estimated produce of their land - - -	113	-	-	213	8	-
5. Gopaul Surn and Raoldoo, illegitimate sons of the late Runjore Singh - - - pension	100	-	-			
Estimated produce of their land - - -	32	-	-			
Ditto of 10 kyns of bakul land - - -	60	-	-	192	-	-
6. Concubine of the late Rana - - - pension	100	-	-			
Estimated produce of one kotie - - -	10	-	-	110	-	-
7. Concubine of the late Teeka - - - pension	100	-	-			
Estimated produce of one kotie - - -	10	-	-	110	-	-
8. Widow of the late Meea Goongooroo and two daughters-in-law - - - pension	100	-	-			
Estimated produce of their land - - -	52	-	-	152	-	-
9. Meea Bisnoo, illegitimate son of the late Meea Gobundhun Singh, produce of Jageer - - -	-	-	-	56	-	-
10. Meea Davee, son of the late Meea Nerunjuss, produce of land - - -	-	-	-	25	-	-
11. Meea Hurjoo, son of the late Meea Nath, produce of Jageer	-	-	-	23	-	-
12. Thangoo ditto - - - ditto - - -	-	-	-	3	-	-
13. Meeas Jowaladass and Akadasoo, distant relations, produce of their Jageer - - -	-	-	-	12	8	-
14. Wuzeer Davee Dut, produce of Jageer - - -	-	-	-	4	-	-
15. Bukhshee Gokul ditto - - -	-	-	-	6	8	-
16. Wuzeer Runneya ditto - - -	-	-	-	1	8	-
17. Pulsurra Puttia ditto - - -	-	-	-	3	-	-
18. Ramoo, a servant . ditto - - -	-	-	-	5	-	-
TOTAL Company's Rupees				1,667	-	-

JHULLAWUR.

JHULLAWUR.

TREATY concluded with the Raj Rana of Jhullawur, when that State was formed into a separate Principality out of the Kota Territory.

RAJ Rana Mudan Singh having agreed to relinquish the administration of the affairs of the Kota Principality, guaranteed by the supplementary article of the Treaty of Delhi to Raj Rana Zalim Singh, his heirs and successors, the present treaty is formed between the British Government and Raj Rana Mudan Singh aforesaid.

Article 1.—The supplementary article of the Treaty of Delhi, bearing date the 20th of February 1818, between Maha Rao Omed Sing Behauder, the Rajah of Kota, and the British Government, is hereby repealed.

Art. 2.—The British Government agree, with the consent previously obtained from Maha Rao Ram Sing of Kota, to grant to Raj Rana Mudun Singh, his heirs and successors (being the descendants of Raj Rana Zalim Sing), according to the custom of succession obtaining in Rajwarra, a separate principality to be formed out of the Kota State, and consisting of the pergunnahs specified in the annexed Schedule.

Art. 3.—The British Government will confer appropriate titles upon the Raj Rane, his heirs and successors.

Art. 4.—There shall be perpetual friendship, alliance, and unity of interests between the British Government on the one hand, and Raj Rana Mudun Singh, his heirs and successors, on the other.

Art. 5.—The British Government engages to take Raj Rana Mudun Singh's principality under its protection.

Art. 6.—The Raj Rana, his heirs and successors, will always act in subordinate co-operation with the British Government, acknowledging its supremacy, and engaging not to have any connexion with the chiefs of other states in disputes, with which they agree to abide by the decision of the British Government.

Art. 7.—The Raj Rana and his heirs and successors will not enter into negotiations with any chief or state without the sanction of the British Government, but their customary amicable correspondence with friends and relatives shall be continued.

Art. 8.—The troops of the principality of Raj Rana Budun Singh, according to its means, will be furnished at the requisition of the British Government.

Art. 9.—The Raj Rana and his heirs and successors shall remain absolute rulers of the country, and the civil and criminal jurisdiction of the British Government shall not be introduced into the principality.

Art. 10.—The Raj Rana, his heirs and successors, will fulfil the pecuniary obligations involved in the present arrangements of separation and transfer by assignments in land agreeably to the appended Schedule, and abide by the decision of the British Government in all minor points arising out of the said separation.

Art. 11.—The Raj Rana, his heirs and successors, will pay tribute to the British Government the yearly sum of 80,000 Company's rupees, by two half-yearly instalments of 40,000 rupees each, viz., the Khuree on Mittee Poos Soodee Poorun Mashee, and the Rubee on Mittee Jait Soodee Poorun Mashee, commencing with the Khureef instalment of Sumbut 1895.

Art. 12.—This treaty of 12 articles having been concluded at Kota, and signed and sealed by Captain John Ludlow, officiating Political Agent, and Lieutenant-colonel Nathaniel Alves, Agent to the Governor-general for the States of Rajpootana, on the one part, and Raj Rana Mudun Singh on the other, the ratification of the same by the Right honourable the Governor-general of India shall be exchanged within two months from the date.

Done at Kota this 8th day of April 1838.

(L. s.)	(signed)	<i>J. Ludlow</i> , Offg. Pol. Agent.
		<i>N. Alves</i> , A. G. G.
(L. s.)	(signed)	<i>Raj Rana Mudun Singh</i> .

JHULLAWUR
SCHEDULE appended to the Treaty of Pergunnahs set apart to constitute a separate Principality for Raj Rana Mudun Sing Behander, his Heirs and Successors, under the designation of Jhullawur.

Chichut.	Bilunpoor.
Sukait.	Kotiah Bhelta.
The Chow Mukla,	Suroruh.
comprising Punchpahar,	Rullee.
Ahere,	Marohur Thana.
Dig, and	Phool Burodi.
Gungrai.	Chachoornee.
Ihubia Patum, commonly called Ormal.	Kukoornee.
Rucheva.	Chupa Barode.
Bukanee.	

The portion of Shergurh, beyond or east of the Jasmumee Reway, and Shahabad. It is to be distinctly understood that Nerpaut Sing will remove from the territory of Jhullawur into that of Maharas, and his lands lapse to the Raj Rana.

Dated Kota, 10th April 1838.

(L. s.)	(signed)	J. Ludlow, Offg. Pol. Agent.
(L. s.)		N. Alves, A. G. G.
		(Seal of Maha Roo Ram Sing.)

SCHEDULE of Debts to be liquidated by Raj Rana Mudun Singh, his Heirs and Successors, agreeably to the 10th Article of the accompanying Treaty.

Debts :

To Mungnee Ram Zonawur Mull	-	-	-	6,14,476	13	3
To Ramjee Das Tunsook Das	-	-	-	4,43,821	3	6
To Mohun Ram Runkub Das	-	-	-	2,67,839	7	-

Raj Rana Mudun Singh agrees to pay on account of the above debts, within seven days after installation in his new principality, the sums of three lacs twenty-six thousand one hundred and thirty-seven rupees seven annas and nine pies (3,26,137. 7. 9.), and subsequently within four years, by half-yearly instalments, the balance, amounting to eleven lacs forty-five thousand two hundred and seventeen rupees (11,45,217 rupees), in which is included interest at eight per cent. per mensem, or at each Fusul, as stated below, and to liquidate the entire amount within a period of four years ; failing in which the British Government will have it at their option to arrange for the payment of the debts, by settling a part or portion of the country of Jhullawur for that purpose ; the first instalment to be paid in the month of Kartick Soodee Poonan Mashee Sumbut 1895, and the second instalment in the month of Bysack Soodee Pooran Mashee Sumbut 1896. Amount of instalments (interest included) to be paid as follows :—

1 instalment	-	-	-	-	-	1,50,000
2 ditto	-	-	-	-	-	1,50,000
3 ditto	-	-	-	-	-	1,50,000
4 ditto	-	-	-	-	-	1,50,000
5 ditto	-	-	-	-	-	1,50,000
6 ditto	-	-	-	-	-	1,50,000
7 ditto	-	-	-	-	-	1,50,000
8 ditto	-	-	-	-	-	95,217

Kota, 8th April 1838.

(L. s.)	(signed)	J. Ludlow, Offg. Pol. Agent.
(L. s.)		N. Alves, A. G. G.
		(Seal of Raja Rana Mudun Sing.)

JOHANNA.

JOHANNA

TREATY between Her Majesty the Queen of England and the Sultan of Johanna, for the Suppression of the Slave Trade.—Concluded at Johanna, November 8th, 1844; ratified December 10th, 1845.

STATEMENT of the Requisitions made to His Highness the Sultan Suleem of the Island of Johanna, by Sir Cornwallis Ricketts, Bart., Commander of Her Majesty's sloop "Helena," acting under the orders of Christopher Wyvill, Esq., Captain of Her Majesty's ship "Cleopatra," and senior Officer on the East Coast of Africa.

STATEMENT of the Agreement made by us, Sultan Suleem, son of Sultan Aluvee, with our auspicious Brother the Captain Cornwallis Ricketts, Bart., Commander of Her Majesty's sloop "Helena." (Translated from the Arabic, under the hand and seal of the Sultan Suleem).

1st. The Sultan to abolish the Foreign Slave Trade for ever in his dominions.

1st. There shall be no dealing in slaves in our territory, and no slaves shall be imported to be sold in our country. We positively prohibit it, and forbid it absolutely.

2d. The Sultan to order the seizure of all vessels belonging to his subjects found carrying on the foreign slave traffic, and to seize and punish the captain and crew as pirates.

2d. And I declare and command my subjects, that all who carry off slaves and sell them shall be seized, captain and crew; and to be treated in the same manner as they who cut off navigation (pirates).

3d. The Sultan to punish all persons among his subjects serving on board vessels dealing in slaves, who do not give information to the Sultan or his Governors that they have been slave-dealing.

3d. Every vessel that goes from hence⁹ belonging to my subjects, for the purpose of trading in slaves, if it be done without the order of the owner, then punishment shall be inflicted upon the commander and crew; if it be done by order of the owner, then he shall be punished.

4th. Vessels having implements of slave trade, such as shackles, bolts, handcuffs, chains, whips, branding irons, on board, to be considered the same as if found actually carrying slaves.

4th. Every vessel of my people shall be treated as if engaged in traffic for slaves on board which shall be found chains and fetters and shackles of irons in greater number than two or three, sufficient for the correction of any of the crew who may be refractory.

5th. The Sultan to authorise British cruisers to seize all vessels belonging to his subjects that may be found with slaves, or with slave implements on board, after the expiration of four months from this date.

5th. I permit that there may be an inspection, for the purpose of discovering dealing in slaves after four months.

6th. The Sultan or his Governors to provide all vessels belonging to his subjects with passes (port clearance). Any vessel found without such port clearance to be seized, according to the 5th Requisition, by any British cruiser that may meet them.

6th. Any vessel that may be met with at sea which has not a written document (a pass), and is without a seal such as furnishes a proper explanation (of her purposes), may be seized as a dealer in slaves.

7th. All

7th. When

JOHANNA.

7th. All vessels seized by British cruizers to be sent to the nearest or most convenient British Vice-Admiralty for adjudication. In the event of being condemned, the vessels and their cargoes to be sold for the profit of the two Governments, but the slaves to be set free in a British colony.

7th. When any vessel laden with slaves, or that has carried off slaves, has been seized according to law, and the slaves with her, and it is proved that she is engaged in the slave trade, she may be sent to an English port, to be there disposed of, both with respect to the slaves and to the value (of the ship and other cargo). The slaves shall depart free. The property shall be partitioned, and one part shall go to the English Sultan, the other to the Sultan, that is to say, the Sultan Suleem.

8th. The Sultan to at once proclaim a law by which the stipulations of this engagement shall be publicly known to all his people.

8th. If it be the will of God, these orders will be promulgated, so that the command may be publicly known and obeyed.

Done at Montsumolo, Island of Johanna, in duplicate originals, November the 8th, 1844 (the 26th of the month of Shuwal of the Hijree).

(signed) *Cornwallis Ricketts*, (L.S.),
Commander of Her Majesty's sloop
"Helena."

(signed) *Sultan Suleem*.
(L.S.)

We, the undersigned, Sultan Suleem, King of Johanna, and Christopher Wyvill, Esq., captain of Her Britannic Majesty's ship "Cleopatra," and senior officer on the East Coast of Africa, being duly authorized by Her Britannic Majesty's Government, having read over and explained to each other the different articles of the above treaty for the suppression of the Slave Trade, do ratify the above agreement; and in witness hereof, we have this day signed our names and affixed our seals.

Be it known, that Captain Wyvill, of Her Majesty's ship "Cleopatra," despatched to the kingdom of Africa to communicate with Sultan Suleem, has held a communication with the Sultan; and we have signed these writings, and we have both explained and declared, and testified and mutually read and explained the stipulations which are specified as above, for the purpose of prohibiting all dealings in the selling and buying of slaves. This agreement is definitively sealed, and orders issued for the punishment of offenders, without contradiction or qualification; and we have ratified the agreement by our signature and seal to the stipulations which the writing contains.

Done at Montsumolo, Island of Johanna, in duplicate originals, December the 10th, 1845 (on the day of the Eed, the 10th of the month of Zilhuj, of the Hijree of the Prophet, upon whom be peace).

(signed) *Christopher Wyvill*, (L.S.),
Captain of Her Britannic Majesty's
ship "Cleopatra."

(signed) *Sultan Suleem*, (L.S.),
Son of *Sultan Aluvec*,
Son of *Sultan Hoosen*.

Witness to the above,

(signed)	Geoffrey T. B. Hornby,	} Her Britannic Majesty's ship "Cleopatra."
	Lieutenant.	
	L. W. R. Denman, Lieutenant Royal Marines.	

TREATY of Friendship and Commerce between Her Majesty and the Sultan of Johanna. Signed at Johanna, 3 June 1850.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Sultan Suleem of the Island of Johanna, being desirous to conclude a treaty of peace and friendship, and to regulate thereby the commercial intercourse between their respective dominions and subjects, Her Majesty has named and appointed for this purpose Josiah Napier, Esq., Her Consul to the Comoro Islands.

His Highness the Sultan and the said Josiah Napier, esquire, having accordingly met together, have agreed upon and concluded the following Articles :

Article 1.—There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Highness the Sultan Suleem of Johanna, their heirs and successors, and their respective subjects.

Art. 2.—There shall be reciprocal freedom of commerce between the British dominions and the territories of the Sultan of Johanna. The subjects of Her Britannic Majesty may reside in and trade to any part of the territories of the Sultan of Johanna, to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties ; they shall be allowed to buy and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract or exclusive privilege of sale or purchase whatever ; and they shall moreover enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects or citizens of the most favoured nation. The subjects of the Sultan of Johanna shall in return enjoy similar protection and privileges in the dominions of Her Britannic Majesty.

Art. 3.—No tonnage, import or other duties or charges shall be levied in the territory of the Sultan of Johanna on British or on goods imported or exported in British vessels, beyond what are or may be levied on national vessels or on vessels of the most favoured nation, or on the like goods imported or exported in national vessels or in vessels of the most favoured nation.

Art. 4.—Merchandise or goods coming from the British dominions in any vessel, or imported in British vessels from any country, shall not be prohibited by the Sultan of Johanna, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other vessels.

All articles the produce of the territories of the Sultan of Johanna may be exported therefrom by British subjects and British vessels on as favourable terms as by the subjects and vessels of any other foreign country.

Art. 5.—The protection of the Sultan of Johanna shall be afforded to all British vessels, their officers and crews. If any such vessels should be wrecked on the coast of the territories of the Sultan of Johanna, the chiefs and inhabitants shall succour them, and shall secure them from plunder, and shall cause all articles saved from the wreck to be restored to their lawful owners. The amount of salvage dues in such cases shall be regulated, in the event of dispute, by arbitrators chosen in equal numbers by each of the parties.

Art. 6.—The subjects of the Sultan of Johanna shall, in all their commercial relations with Great Britain, be treated on the footing of the most favoured nation.

Art. 7.—Each contracting party may appoint consuls for the protection of trade to reside in the dominions of the other ; but no such consul shall enter upon the exercise of his functions until he shall have been approved and admitted in the usual form by the government of the country to which he is sent.

Art. 8.—A treaty having been concluded at Johanna on the 8th of November 1844, between Her Britannic Majesty and the Sultan of Johanna, for the suppression of the slave trade, His Highness engages that the ships and vessels of war belonging to the East India Company shall be allowed to give full force and

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JOHANNA.
—

effect to the stipulations of the said treaty, in the same manner as the ratifiers of Her Britannic Majesty.

Done at Johanna, the Third day of June in the year of our Lord One thousand eight hundred and fifty (1850), and the Twenty-first day of the month Rujub of the Hijree One thousand two hundred and sixty-six.

(signed) *Josiah Napier*
Her Majesty's Consul for the Comoro Islands.

Signature of the Sultan in Arabic.

I, the Sultan *Suleem*, Son of Sultan Aluvce,
Son of Sultan ul Hoossen.

KATTEEWAR.
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KATTEEWAR.

PROCLAMATION issued by Government under date the 22d November 1834, on the Subject of Female Infanticide in Katteewar.

1. THE British Government having recently had under consideration the prevalence of female infanticide in Western India, is pleased to declare it to be its fixed determination to put an end to so revolting and barbarous a practice.

2. From returns lately received from the Political Agent stationed in Katteewar, it appears that although a considerable degree of success has attended the measures adopted in that province for the suppression of infanticide, the crime is proved to be still committed by the great disproportion observable in the number of male and female Jharejas. This melancholy fact, therefore, pressing itself upon the attention of Government, the Right honourable the Governor in Council considers it requisite to call upon the chiefs of the Jhareja tribe to adhere to and maintain within their respective districts the engagement they voluntarily and unconditionally entered into with Government 25 years ago, through the medium of their friend and benefactor the late lamented Colonel Alexander Walker, to abandon the detestable and heinous custom of murdering their own offspring.

3. His Lordship in Council further requires the active co-operation of the whole community of Katteewar in giving increased efficiency to the measures adopted for the extinction of infanticide, the grossest stain that ever disgraced the human race; and hereby declares that whoever shall afford information sufficient to convict any Jhareja of so inhuman a proceeding shall receive the protection of Government, and be rewarded in proportion to the rank and consequence of the party convicted. Humanity, and a due regard to the precepts of their religion, should induce the Hindoo part of the community, in particular, to aid by every means in their power the efforts of Government completely to suppress this crime. The Hindoo Shastars declare that he who commits infanticide is guilty of a grievous sin.

4. With the view of enabling Government to ascertain how far the measures for the suppression of infanticide are adhered to, the Political Agent has been instructed to make a full and complete census of the Jhareja population of Katteewar, and the chiefs of the tribe are hereby called upon to aid in the framing of this return, which, when completed, will at once enable Government to detect where the crime is still committed. The Political Agent has also been directed to require from the chiefs half-yearly, and himself to furnish annually, a statement exhibiting the number of births, deaths, marriages and betrothals occurring within their respective jurisdiction, and those who neglect to furnish this statement, or who may furnish an incorrect return, will be severely punished.

5. As a measure of prevention against infanticide, Government considers it expedient to suggest to the whole of the other Rajpoot tribes of Katteewar, that they should refuse to give their own daughters in marriage to the Jharejas, except under a stipulation that the female issue of such marriage shall be cherished and preserved.

6. The

6. The Returns recently received from Katteewar show in the under-mentioned districts such a great disparity between the number of male and female Jharejas as can only be accounted for by the continued prevalence of the dreadful crime in those places :—

KATTEEWAR.

1	Drapha - - -	Males alive -	67	Females alive -	10	Excess of Males -	57
2	Moorvee - - -	ditto - - -	61	Ditto - - -	7	Ditto - - -	54
3	Veerpoor Kurreey	ditto - - -	52	Ditto - - -	10	Ditto - - -	42
4	Mooleeladen - -	ditto - - -	63	Ditto - - -	14	Ditto - - -	49
5	Serang Chandlee	ditto - - -	37	Ditto - - -	13	Ditto - - -	24
6	Kobra Nyugee - -	ditto - - -	24	Ditto - - -	2	Ditto - - -	22
7	Jhalleca - - -	ditto - - -	28	Ditto - - -	11	Ditto - - -	17
8	Rajpoora - - -	ditto - - -	30	Ditto - - -	2	Ditto - - -	28
9	Wuddalee - - -	ditto - - -	8	Ditto - - -	1	Ditto - - -	7
10	Rajkot - - -	ditto - - -	15	Ditto - - -	3	Ditto - - -	12

The chiefs of these districts are hereby warned, that should similar results be shown from the periodical returns hereafter to be furnished, they will be severely punished for not adhering to their engagements to renounce the crime. It will not be deemed sufficient by Government that they themselves shall adhere to their engagements to preserve their female children, but they are equally bound to secure that those engagements shall be observed by every member of their tribe subject to their authority. Should they neglect this warning, it will become requisite for the Government to take into consideration whether any relations can be maintained with chiefs who act in such a manner as to prove themselves utterly regardless of the precepts of their religion and of the best feelings of mankind. In seeking to abolish infanticide, the British Government is not actuated by any motive of ambition or self-interest, but simply by an anxious desire to erase the foulest stain that ever attached to the name of man. The possessions of the chiefs of Katteewar are guaranteed to them, and protection is extended to them on certain conditions, and it is the sincere wish of Government that they should continue to enjoy them and all their privileges and immunities free from molestation. The compact is, however, reciprocal and mutual, and the chiefs have stipulated that they will cease to disgrace humanity by destroying their own helpless offspring at the moment of its birth. Should they not adhere to this condition, the compact is broken ; the favour and protection of Government will be withdrawn, and the severest penalties be imposed, until the inhuman custom is completely eradicated.

7. It is more gratifying to Government to be able to notice some of the Jhareja chiefs in whose districts the crime has been wholly or in a great measure suppressed. The Jam of Noonuggur is entitled to praise for the progress which has been made towards its complete extinction within his jurisdiction, which is to be attributed to the care taken by that chief in enforcing a due observance of the engagement he entered into for its suppression. The British Government confidently relies on his continued exertions and co-operation in ensuring success to the measures it has adopted for the abolition of a custom which, owing its origin to avarice and a mistaken pride, reflects most seriously on the character of the tribe of which the Jam of Nawanuggur is in Kattewar the acknowledged head.

8. Among the other talooks, Government is pleased to notice in terms of high approbation the following chiefs, as having ensured to themselves the favour and protection of Government for having adhered to their engagements.

No.	DISTRICT.	Males of and under 20.	Females.				TOTAL.	Excess of Males.	Excess of Females.
			Married.	Betrothed.	Unbetrothed.	Deceased.			
1	Keesurra - - -	12	3	2	11	1	17	-	5
2	Mengnee - - -	6	-	1	5	-	6	-	-
3	Soleddeer Wowree -	38	6	5	13	8	32	6	-

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KATTEEWAR. And at the same time to hold up to the tribe in general as an example for imitation the under-mentioned Jharejas, who have preserved four and three daughters each :—

No.	NAMES.	Belonging to		Number of Daughters.
		District.	Village.	
1	Jhareja Khenjee - -	Noanuggur	Lalpoor - -	Four.
2	" Bowagee - -	- ditto - -	Bhalwa - -	
3	" Raibjee - -	- ditto - -	Mocharda - -	
4	" Dossajee - -	- ditto - -	Peempurdee - -	
5	" Kanturjee - -	- ditto - -	Peepulrao - -	
6	" Dodujee - -	- ditto - -	Suguch - -	Three.
7	" Babajee - -	- ditto - -	Danthana - -	
8	" Bawajee - -	- ditto - -	Pussaivoo - -	
9	" Megrajee - -	- ditto - -	Amra - -	
10	" Hurbumjee - -	- ditto - -	Checkaree - -	
11	" Sughajee - -	Dharsole - -	Radhun - -	
12	" Joonajee - -	- ditto - -	Secaloo - -	Four.
13	" Vursajee - -	Gondul Dorajee -	Janjinere - -	Three.
14	Khurmany Roopashee -	Veerpoor Kurey	Mottia - -	Three.
15	Jhareja Lakhajee - -	Keesarra - -	Wurra - -	Three.

Government have also derived the greatest satisfaction from observing that the Returns show as many as 80 instances of Jharejas having preserved two daughters each. His Lordship, in Council, with a view of testifying the sense he entertains of the meritorious conduct of the chiefs and inferior Jharejas above alluded to, has instructed the Political Agent at Rajkote to grant remissions of tribute and honorary presents to them.

9. The British Government is pleased further to declare, that although it will always be more satisfactory to Government and more creditable to the Jharejas themselves for them to perform the first of the parental duties without seeking pecuniary aid from Government in defraying the expenses of the marriage of their children, nevertheless that the Local Agent is authorised to receive and attend to applications, when circumstances render such aid indispensable.

10. In conclusion, the Right Honourable the Governor in Council is pleased to annex to this proclamation a copy of the engagement by which every Jhareja Chief of Katteewar bound himself, 25 years ago, to discontinue the dreadful custom of female infanticide, and at the same time to declare it to be the fixed resolution of the British Government to maintain the same, and that any person charged with having violated it will be dealt with in such mode as may be deemed most expedient and conducive towards the complete suppression of the practice.

By order of the Right Honourable the Governor in Council,

Bombay Castle, 22d November 1834. (signed) C. Norris,
Chief Secretary.

ENGAGEMENT by the Seedee of Jafferabad for the Suppression of Suttee, dated 7th January 1838.

After compliments,

The cause of writing to you is this: A certain Bhatianee having arrived from Bombay and committed Suttee at Pragraee, and the Sirkar having issued orders preventive of such a practice, a mohsul is upon me in order to make me answerable; and the particulars of this subject (the suttee) having been reported to Government, and it having been considered as a first instance of the kind, for which reason I have been pardoned, I give this writing to the effect that from henceforward such measures in the talooka will be taken so that no person will be allowed to become suttee in future. But if such should hereafter occur, I am responsible to any extent the Sirkar may pronounce against me.

Signed by the Seedec.

JOONAGUR.

ENGAGEMENT entered into on the 3d January 1838, by Nuwab of Joonagur, for the Suppression of Sutte within his Jurisdiction.

A. C.,

THE cause of writing to you is this. A certain Bhattianee having arrived from Bombay, and committed suttee at Pragrye, and the Sirkar having issued orders preventive of such a practice, mohsul is upon me in order to make me answerable; and the particulars of this subject (the suttee) having been reported to Government, and it having been considered as a first instance of the kind, for which reason I have been pardoned, I give this writing to the effect, that from henceforward such measures in the talooka will be taken so that no person will be allowed to become suttee in future. But if such should hereafter occur, I am responsible to any extent the Sirkar may pronounce against me.

(Seal of the Nuwab).

BHOWNUGGUR.

Bhownuggur.

THE following Agreement, dated the 8th September 1840, between the Honourable East India Company and the Thakoor of Bhownuggur Rawul Wujehsingjee Vukhut Singjee having been concluded, has been made out in three parts, signed and sealed, whereof one part is to be deposited with the Government of Bombay, one part with the thakoor, and one in the office of the collector of Ahmedabad; viz. :

1st. The thakoor, for and in consideration of the sum of Company's rupees (4,000) four thousand being paid to him by the said East India Company, and to be annually paid to him and his hereditary successors, agrees to relinquish all claims to any share in the land or sea customs at Gogo. He also agrees to relinquish all claims to any duties under the name of "abkaree" on tobacco or any other goods in that kusha. He further agrees to relinquish all claims to the huk termed "dullalee" and "tojee veera," together with the huk "bham veera" in the said kusha. The thakoor, moreover, agrees to relinquish all claims, and hereby acknowledges that he has no right to any huk, luwazums, duty, &c. in Gogo Kusha, either from the East India Company or the East India Company's subjects, or to any arrears on account of the above items attendant to the 1st D. 1836.

2d. And whereas an order was issued by the Honourable the Governor in Council of Bombay for stopping the coinage of money at Bhownuggur: Now the thakoor, in consideration of the annual payment to him and his hereditary successors by the East India Company of the sum of Company's rupees (2,793. 6. 5.) two thousand seven hundred and ninety-three six annas and five pies, hereby agrees to relinquish all and every description of coining of money of every kind, both at Bhownuggur and its dependent villages, as well as in his, the thakoor's, Kattywar possessions, hereby binding himself to abstain from coining either copper or any other sort of coin, both in the above-mentioned places and everywhere else, and moreover hereby renounces all claims on account of the said Mint arising antecedent to 1st December 1836.

Under the above two articles of agreement the East India Company consents to pay the thakoor annually, commencing from the 1st December 1836, the sum of Company's rupees (6,793. 6. 5.) six thousand seven hundred and ninety-three six annas and five pies. In witness whereof we hereunto set our hands and seals, John Hinde Pelly, Collector of Continental Customs and Excise, in behalf of the East India Company on the one part, and the Thakoor Rawul Wujehsingjee on the other part, this 8th day of September in the year of our Lord 1840 (corresponding with Sumwut 1896, Bhadurwa Sood Twelfth.)

(signed) J. H. Pelly,
Collector of Continental Customs and Excise.

This agreement was confirmed by Government on the 30th September 1840.

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KATTEEWAR.

ENGAGEMENT entered into by the Thakoor of Bhownuggur, the Nuwab of Joonagur, the Jam of Nowanuggur, the Rana of Porbunda, and the Seedee of Jafferabad, exempting from Payment of Duty Vessels putting into their Ports through stress of weather.

Translated Extracts from a Letter addressed by the Thakoor of Bhownuggur to *Arthur Malet*, Esq., Political Agent in Kattcewar, dated the 18th January 1846.

Your letter, dated the 3d January 1846, has been received, and its contents have been understood. You state, "That there is a difficulty regarding the duties leviable on boats passing to and fro from Bombay to Sind or elsewhere, which are obliged by stress of weather or other cause to touch at any of my bunders; that injury is thereby done to facility of traffic; that Government has taken the case of such boats under its favourable consideration; and that the Rao of Kutch, to meet the wishes of Government, framed certain regulations on the subject, dated 1st December 1840; that a copy of these regulations was forwarded to me in a letter dated 17th October 1844, in which I am informed that it is to my credit to make arrangements for preventing obstacles being thrown in the way of persons navigating boats, and that if I could make regulations at my bunders, similar to those which are in force at the bunders of Kutch, it would be pleasing to Government, and beneficial to my own interests." You have asked me to reply to this letter. I am most willing to pay every consideration to the wishes of Government, and anxious to benefit the interests of my country, and I have therefore now sent a copy of the regulations in question to the bunders of Mowa and Tuloja, that they may be enforced. I have also given a copy to my mootusuddee at this place, with instructions to act accordingly.

Dated 6th Poos-Vud 1902 (corresponding with the 18th January 1846).

(True Translation.)

(signed) J. T. Barr,
2 Assistant Political Agent.

TRANSLATION of a Yad from His Highness the Nuwab of Joonagur to *A. Malet*, Esq., Political Agent in Kattcewar, dated the 19th March 1846.

Your letter, and His Highness the Governor's agreement of the 19th Shuval, have been received. His Highness the Rao made an arrangement relative to the customs on boats, and you, on the above-mentioned yad, wrote your order, requiring me to make a similar engagement. My reply is that, according to the copies which you sent here, I have sent copies of them to all my bunders, Verawul, Mangrol, &c., with orders to abide by it.

Dated Sumout 1902, Falgoon Vud 7th (March 19th, A. D. 1846).

(True Translation.)

(signed) A. Malet,
Political Agent.

TRANSLATION of a Note from his Highness Jam Runmuljee of Nowanuggur to *A. Malet*, Esq., Political Agent in Kattcewar, dated the 22d March 1846 (Falgoon-Vud 10th Sumout 1902).

Your yad, with the copy of the rules for exempting vessels driven into port by stress of weather, was received, and we had some conversation on the subject when you were at Nowanuggur. I now write in this yad, that I will abide by these rules, and will send orders to my bunders. This is written for your information.

(True Translation.)

(signed) A. Malet,
Political Agent.

TRANSLATION of a Yad from the Thakoor of Bhawnuggur to Major *W. Lang*,
Political Agent in Katteewar, dated the 20th December 1849.

KATTEEWAR.

Arrangements having been formerly made for not levying the customs on vessels driven to and detained in any port on account of stress of weather or for any other similar reason, while going from Bombay to Kurrachee or any other bundar, and *vice versâ*, I wrote to you on the subject, but I now beg to add that, according to the said arrangements, I shall not collect the sea customs on vessels belonging to the sirkar, and to the different ports in Katecwar that may happen to come to my bunders on account of stress of weather ; but His Highness the Rao of Kutch having only agreed to exempt vessels belonging to Kurrachee and Bombay from the payment of these customs, and not those belonging to other ports, I shall be obliged to pay to him the duty on such vessels of my bunders as may be driven into ports belong to Kutch by stress of weather, and for this reason I shall also levy the same on vessels of Kutch, agreeably to my ancient custom.

Dated Samout 1906, Poush Shood 6th (corresponding with the 20th December 1849, A. D.)

Written by Suwall Laul Shamjee.

(True translation.)

(signed) *W. Lang*, Political Agent.

Memorandum.—Similar engagements to the foregoing were entered into by the following additional chiefs on the under-mentioned dates :

His Highness the Jam of Nowanuggur	}	On the 20th of December 1849.
" " Joonagur		
The Rana of Porbunder - - -	}	On the 30th December 1849.
The Sedee of Jafferabad - - -		

K E L A T.

KELAT.

TREATY entered into between the Government of India and Meer Nuseer Khan,
Chief of Kelat, dated the 6th October 1841.

WHEREAS Meer Nuseer Khan, son of Mehrab Khan, deceased, having rendered his allegiance and submission, the British Government and His Majesty Shah Shooja ool Moolk recognise him the said Nuseer Khan and his descendants as chiefs of the principality of Kelat-i-Nuseer, on the following terms :—

Article 1.—Meer Nuseer Khan acknowledges himself and his descendants the vassals of the King of Cabool, in like manner as his ancestors were formerly the vassals of His Majesty's ancestors.

Art. 2.—Of the tracts of country resumed on the death of Meer Mehrab Khan, viz., Kutchee, Moostung, and Shawl, the two first will be restored to Meer Nuseer Khan and his descendants, through the kindness of His Majesty Shah Shooja ool Moolk.

Art. 3.—Should it be deemed necessary to station troops, whether belonging to Honourable Company or Shah Shoojah ool Moolk, in any part of the territory of Kelat, they shall occupy such positions as may be thought advisable.

Art.—4. Meer Nuseer Khan, his heirs and successors, will always be guided by the advice of the British officer residing at the Durbar.

Art. 5.—The passage of merchants and others into Afghanistan, from the river Indus, on the one side, and from the seaport of Somnianee on the other, shall be protected by Meer Nuseer Khan, as far as practicable ; nor will any aggression be practised on such persons, or any undue exactions made, beyond an equitable toll, to be fixed by the British Government and Meer Nuseer Khan.

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KELAT.

Art. 6.—Meer Nuseer Khan binds himself, his heirs and successors, not to hold any political communication, or enter into any negotiations with foreign powers without the consent of the British Government and of his Majesty Shah Shooja ool Moolk, and in all cases to act in subordinate co-operation with the Governments of British India and of the Shah ; but the usual amicable correspondence with neighbours to continue as heretofore.

Art. 7.—In case of an attack on Meer Nuseer Khan by an open enemy, or of any difference arising between him and any foreign power, the British Government will afford him assistance or good offices, as it may judge to be necessary or proper for the maintenance of his rights.

Art. 8.—Meer Nuseer Khan will make due provision for the support of Shah Nuvaz Khan, either by provision, to be paid through the British Government, on condition of that chief residing within the British territory, or by grant of estate within the Kelat possessions, as may hereafter be decided by the British Government.

Done at Kelat this 6th day of October, A. D. 1841, corresponding with the 20th of Shaban, A. H. 1257.

(Seal.)

(signed) *Auckland.*

Ratified and signed by the Right honourable the Governor-general of India in Council at Fort William in Bengal, this tenth day of January one thousand eight hundred and forty-two

(signed) *T. H. Maddock,*
Secretary to the Government of India.

(A true copy.)

(signed) *W. Grey,*
Officiating Under Secretary to Government of India.

TREATY between the British Government and Nusseer Khan, Chief of Kelat, concluded on the part of the British Government by Major *John Jacob*, c. B., in virtue of full powers granted by the Most Noble the Marquis of *Dalhousie*, K. T., &c., Governor-general of India, and by Meer Nusseer Khan, Chief of Kelat.

WHEREAS the course of events has made it expedient that a new agreement should be concluded between the British Government and Meer Nusseer Khan, Chief of Kelat, the following articles have been agreed on between the said Government and His Highness.

Art. 1.—The treaty concluded by Major Outram between the British Government and Meer Nusseer Khan, Chief of Kelat, on the 6th October 1841, is hereby annulled.

Art. 2.—There shall be perpetual friendship between the British Government and Meer Nusseer Khan, Chief of Kelat, his heirs and successors.

Art. 3.—Meer Nusseer Khan binds himself, his heirs and successors, to oppose to the utmost all the enemies of the British Government, in all cases to act in subordinate co-operation with that Government, and to enter into no negotiation with other States without its consent, the usual friendly correspondence with neighbours being continued as before.

Art. 4.—Should it be deemed necessary to station British troops in any part of the territory of Kelat, they shall occupy such positions as may be thought advisable by the British authorities.

Art. 5.—Meer Nusseer Khan binds himself, his heirs and successors, to prevent all plundering or other outrage by his subjects, within or near British territory ; to protect the passage of merchants to and fro between the British dominions and Afghanistan, whether by way of Sinde, or by the seaport of Sonmeeanee or other seaports of Mekran, and to permit no exactions to be made beyond an equitable duty

duty to be fixed by the British Government and Meer Nusseer Khan, and the amount to be shown in the Schedule annexed to this treaty.

KELAT.
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Art. 6.—To aid Meer Nusseer Khan, his heirs and successors, in the fulfilment of these obligations, and on condition of a faithful performance of them year by year, the British Government binds itself to pay to Meer Nusseer Khan, his heirs and successors, an annual subsidy of fifty thousand (50,000) Company's rupees.

Art. 7.—If during any year the conditions above-mentioned shall not be faithfully performed by the said Meer Nusseer Khan, his heirs and successors, then the annual subsidy of fifty thousand (50,000) Company's rupees will not be paid by the British Government.

Done at Mustoong this fourteenth day of May one thousand eight hundred and fifty-four.

(signed) *John Jacob*,
Major, Political Superintendent and Commandant
on the Frontier of Upper Sinde.

Mustoong, 14 May 1854.

The foregoing Articles of Treaty having been concluded between the British Government and the Khan of Kelat, and signed and sealed by Major John Jacob, c. B., on the one part, and Meer Nusseer Khan on the other, at Mustoong, on the 14th May, A. D. 1854, corresponding with 16th Shaban, A. H. 1270, a copy of the same will be delivered to His Highness, duly ratified by the Governor-general in Council within two months from this date.

(signed) *Dalhousie.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock. 3

Ratified by the Most Noble the Governor-general in Council, Fort William, this 2d day of June 1854.

(signed) *G. F. Edmonstone*,
Secretary to the Government of India.

SCHEDULE showing Amount of Duty to be levied on Merchandise passing through the dominions of the Khan of Kelat referred to in Article 5 of this Treaty.

On each camel load, without respect to value from the northern frontier to the sea, either to Kurrachee or other port, Company's rupees six (6).

On each camel as above from the northern frontier to Shikarpoor, Company's rupees five (5).

The same duties to be levied on merchandise passing in the contrary direction, from the sea, or from Sinde to the Kelat territory.

(signed) *John Jacob*,
Major, Political Superintendent and Commandant
on the Frontier of Upper Sinde.

KOLHAPPOOR.

KOLHAPPOOR,

PROCLAMATION issued on the 11th March 1841, by his Highness the Raja of Kolhapoor, Soorsun Ihide Arbyne Myatyne Wu Uluff, prohibiting Suttee in that Territory.

Know all our subjects, The British Government, considering the rite of self-immolation, as performed by females, inhuman, has abolished its performance within their territory, and accordingly recommended the same to us. We have considered on the subject, and have resolved to abandon the rite within our rule. We, therefore, proclaim that no person perform suttee within our dominions. Should any female resolutely determine on performing suttee, it is incumbent on all the respectable people of the village to which she belongs, as also her neighbours and Wutundars and Kumavisdars, to refrain from lending her any aid, and to use their remonstrance to induce her to abandon the resolution; they should also ascertain the cause of her wishing to perform self-immolation, whether it is owing to grief or otherwise, and a promise should be held out to her of relief being afforded. The person or persons so preventing her will report the matter to the head of the village, who will communicate the same to the Mamlutdar, and he will make the same known to us, when he will take measures in accordance with the usage of her caste.

7th Sufur (corresponding with A. D. 11th March 1841).

(True translation.)

(signed) A. N. Shaw, (Seal.)
Acting Political Agent, Southern Mahratta Country.

KOTA.

K O T A.

TREATY between the British Government and Maha Rao Ram Sing of Kota.

Article 1.—Consequent upon the relinquishment by Raj Rana Mudun Sing of the administration of the affairs of the Kota principality, guaranteed by the supplementary article of the treaty of Delhi to Raj Rana Zamil Sing, his heirs and successors, Maha Rao Ram Sing assents to the repeal of the said article.

Art. 2.—With the consent of the British Government, the Maha Rao agrees to cede the pergunnahs specified in the annexed Schedule to Raj Rana Mudun Singh's heirs and successors.

Art. 3.—The Maha Rao, his heirs and successors, will fulfil the pecuniary obligations arising out of the present arrangements of separation and transfer, agreeably to the appended Schedule.

Art. 4.—The Maha Rao agrees for himself, his heirs and successors, to pay the tribute as heretofore paid by the Kota State, with the exception of the sum of Company's rupees eighty thousand per annum, which the British Government have agreed to receive from Raj Rana Mudun Sing, his heirs and successors, the first payment to be made by the Raj Rana at the beginning of the Sumbut, year 1895. The second half-yearly instalment at present due on account of the Fusul Rubee for Sumbut 1894 will be paid in full, viz., 1,32,360 rupees by the principality of Kota.

Art. 5.

KOTA.
—

Art. 5.—The Maha Rao agrees for himself, his heirs and successors, to maintain an auxiliary force, to be commanded and paid by British officers, should the British Government decide that the measure is expedient; it being clearly understood that the existence of such a force shall in no way interfere with the Maha Rao, his heirs and successors, exercise of power in the internal administration of the affairs of the Kota State.

Art. 6.—The expense of such force shall never exceed three lacs of rupees per annum.*

Art. 7.—If the force shall be raised, the funds for its maintenance shall be paid to the British Government by the administration of the Maha Rao, his heirs and successors, in two half-yearly instalments along with the tribute; and the period for the first payment will be fixed by the British Government.

Art. 8.—It is to be clearly understood that all the stipulations contained in the treaty concluded at Delhi between the British Government and Maha Rao Omed Singh Behauder on the 26th of December 1817, which are not affected by the provisions of the present treaty, shall remain in full force.

Art. 9.—The foregoing articles of treaty having been concluded between the British Government and Maha Rao Ram Singh of Kota, and signed and sealed by Captain John Ludlow, Officiating Political Agent, and Lieutenant-colonel Nathaniel Alves, Agent to the Governor-general for the States of Rajpootana, on the one part, and Maha Rao Ram Singh on the other, the ratification of the same by the Right honourable the Governor-general shall be exchanged within two months from this date.

Done at Kota this 10th day of April 1838.

(L.S.)	(signed)	<i>J. Ludlow</i> , Offg. Pol. Agent.
(L.S.)		<i>N. Alves</i> , A. G. G.
		(Seal of Maha Rao Ram Sing.)

Schedule, appended to the Treaty, of Pergunnahs set apart to constitute a separate Principality for Raj Rana Mudun Singh Behauder, his Heirs and Successors, under the designation of Jhullawur.

Cheelat.	Sukait.
Comprising	The Chaur Muhla.
Punchpahar.	Kotrah Bhutta.
Ahore.	Surerah.
Dig and Gungrar.	Ruthaee.
Jhulra Puton, commonly called Ourmd.	Monhur Thanah.
Renelwa.	Phool Burode.
Bekunee.	Chuchoornec.
Delumpore.	Kunkoorney.
	Cheepee Burode.

The portion of Shugurh beyond, or east of the Purwanor Newaj, and Shahabad.

It is to be understood that Nerput Sing will remove from the territory of Jhullawur into that of the Maha Rao, and that his lands lapse to the Raj Rana.

Kota, 10th April 1838.

(L.S.)	(signed)	<i>J. Ludlow</i> , Offg. Pol. Agent.
(L.S.)		<i>N. Alves</i> , A. G. G.
		(Seal of Raj Ram Mudun Sing.)

* In September 1844 a modification was made in the Sixth Article of the Treaty by a reduction of the sum demandable on account of the Contingent from three to two lacs of rupees per annum.

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KOTA.

SCHEDULE appended to the Treaty of Debts for liquidation by the Maha Rao, his Heirs and Successors, agreeably to the Third Article of the said Treaty.

						<i>Rs.</i>	<i>an.</i>	<i>p.</i>
To Pundit Lallajee Ramchund	-	-	-	-	-	9,27,364	15	6
Gordhun Nathjee	-	-	-	-	-	30,643	5	6
Bythal Nathjee	-	-	-	-	-	3,75,176	-	-
Lalla Soogum Chund	-	-	-	-	-	56,196	1	-
Juggurnuth Leeta Ram	-	-	-	-	-	1,00,825	4	9
Sheo Lal of Punwar	-	-	-	-	-	10,033	4	-
Kishoo Ram Byjnath	-	-	-	-	-	2,41,747	12	9
Gobind Das Ramgopal	-	-	-	-	-	20,441	1	3
Gunesh Das Kishnajee	-	-	-	-	-	20,281	9	9
Moujee Ram Molchund	-	-	-	-	-	3,893	12	6
Daljee Munee Ram	-	-	-	-	-	4,57,796	-	-
Kunhee Ram Bohranath	-	-	-	-	-	40,819	1	-
Bohra Kameshur	-	-	-	-	-	47,703	8	6
Sobha Chund Motee Chund	-	-	-	-	-	15,671	2	9
Sheojeu Ram Oodee Chund	-	-	-	-	-	348	7	3
Bhug Chund of Budoura	-	-	-	-	-	547	2	6
Bohra Sree Chund Gungaram	-	-	-	-	-	6,383	2	3
Mohun Ram Hur Lal	-	-	-	-	-	1,134	1	9
Nund Ram Peerolal	-	-	-	-	-	7,473	13	-
Oomed Ram Bhyroo Ram	-	-	-	-	-	9,771	9	-
Gopul Dass Bunmalee Dass	-	-	-	-	-	2,908	13	-
Sah Guwun Ram	-	-	-	-	-	835	14	-
Saujan Mal Shir Mal	-	-	-	-	-	24,487	8	-
Mohun Lal Bued	-	-	-	-	-	55,423	13	-
Saligram	-	-	-	-	-	14,554	-	-
Luchmungeer Hureeger	-	-	-	-	-	10,901	-	-
Bohra Ddoodjee Khanjee	-	-	-	-	-	11,588	6	6
Sah. Munguljee	-	-	-	-	-	8,948	5	3
Sah. Idameer Bued	-	-	-	-	-	1,09,617	10	6
Dooljee Chund Ootum Chund	-	-	-	-	-	10,195	10	-
Mudhoo Makoond	-	-	-	-	-	1,095	13	9
Bohra Balce Bhan	-	-	-	-	-	525	11	3
Buktawur Mull Buhadoor Mull	-	-	-	-	-	182	15	9
Chugun Kaloo Nugur	-	-	-	-	-	50,000	-	-

The above claims will be individually satisfied by the Maha Rao, after due inquiry, agreeably to the circumstances of each. The Maha Rao will also settle any other just debts, should they exist, that may on inquiry prove to be justly chargeable to the Kota State.

Kota, 10th April 1838.

(L.S.)
(L.S.)

(signed) *J. Ludlow*, Offg. Pol. Agent.
N. Alves, A. G. G.

(Seal of Maha Rao Ram Singh.)

K U T C H.

TREATY concluded by the Honourable Company with the Kutch State,
under date the 20th September 1832.

TREATY between the Honourable East India Company and Shree Maharaj Mirza Rao Desuljee, his heirs and successors, concluded by Lieutenant-colonel *Henry Pottinger*, Resident in Kutch, on the part of the Honourable Company, and Jharejas Chandabhoy of Nagurcha, Dasajee of Kotree, Pragjee of Mohara, Naronjee of Mhow, Deeda Bhojrajee, and the Minister Dewan Lukhmedass Wullubhjee, on the part of His Highness the Rao.

WHEREAS the Right honourable John Earl of Clare, Governor in Council of Bombay, is of opinion, that by the treaties now in force a greater sum is required from Kutch than the resources of that principality can afford; as a proof of which there are now due to the British Government by the Kutch Durbar, arrears amounting to 9,75,000 korees, and which the Kutch Government is unable not only to liquidate, but even to discharge the annual amount stipulated by former treaties for the pay of the troops, and on account of Anjar. The two Governments have therefore agreed to modify existing treaties in the manner written in this engagement, which is dated at Booj, on this 20th day of September 1832, being the 11th day of Bhadurura Vud 1839, Sumvut.

Article 1.—The first and second articles of the treaty of the 21st May 1822 are maintained in force only as described in the succeeding articles of the present treaty, and the contracting parties do now engage as follows:

Art. 2.—The Honourable East India Company's Government hereby remits (subject to the condition specified in the fourth article) the equivalent for Anjar; viz., 88,000 Ahmedabad sicca rupees per annum, fixed by the first and second articles of the treaty of the 21st May 1822, together with all arrears now due on that as well as on any other account by the Kutch Durbar to the British Government, or which shall be found due on the settlement of the accounts for the past year, that is, the Sumvut 1888, which terminated on the 1st day of July last.

Art. 3.—His Highness the Rao Shree Desuljee, his heirs and successors, solemnly agree, that the funds stipulated by the sixth article of the treaty of October 1819 to be appropriated for the pay of the Kutch subsidiary force, but which it is hereby declared are never to exceed the amount of two lacs of Ahmedabad sicca rupees per annum, shall be hereafter regularly, without fail, and under any circumstances whatever, discharged by four (4) quarterly equal instalments; viz., on the 15th days of January, April, July, and October of each year.

Art. 4.—The Kutch Government further engages, that in the event of the British troops in that principality being greatly diminished, and the necessary payment on account of them being similarly lessened, so as to reduce it below the amount of the above remitted Anjar equivalent, that is, 88,000 Ahmedabad sicca rupees per annum; or, in the event of the entire removal of the troops from Kutch, his Highness the Rao, his heirs and successors, shall still be responsible, in either case, for making to the British Government an annual payment amounting on the whole to not less than the above-recited Anjar equivalent, or Ahmedabad sicca rupees 88,000.

Art. 5.—All existing stipulations and engagements which have been entered into by former treaties between the Honourable East India Company's Government

KUTCH.

ment and the Government of Kutch, and which shall not have been altered or modified by the present treaty, are to remain in full force.

Done at Booj, this 20th day of September, A.D. 1832.

(signed) *Henry Pottinger*, (Large Seal of the
Lieut.-colonel, Resident in Kutch. Kutch State).

(signed) Jhareja *Chandabhaee* of Nagureha. Jhareja *Pragjee* of Motura.
„ *Dosajee* of Kotree. „ *Deda Bhojrajee*.
„ *Narunjee* of Mhou. „ *Lukhmeedass Wullubhjee*.

(signed) *W. Bentinck*.
E. Barnes.
C. T. Metcalfe.
A. Ross.

(The Company's Persian seal.)

Ratified by the Right honourable the Governor-general in Council, at Fort William in Bengal, this 23d day of April, A.D. 1833.

(signed) *W. H. Macnaghten*,
Secretary to the Government.

TREATY concluded between the Honourable East India Company and the Government of Kutch, under date the 5th July 1834.

WHEREAS by the fourth article of the treaty concluded at Booj, on the 13th day of October 1819, it was stipulated that a regency should be formed, with full power to transact the affairs of the Kutch Government, until His Highness Mirza Rao Shree Desuljee should have completed his 20th year: And whereas His Highness will not attain the above described age until on or about the 3d day of August 1835; nevertheless the British Government, desirous of affording to His Highness a strong proof of its consideration and friendship, has consented to a modification of the above stipulation, and this treaty has been this day entered into by Lieutenant-colonel Henry Pottinger, Resident in Kutch, &c., on behalf of the Honourable East India Company, and by the undersigned jharajas, &c., on behalf of the Rao of Kutch, in virtue of full powers intrusted to them by their respective Governments.

Art. 1.—The period of the minority of His Highness the Rao ceasing shall be altered from the completion of his 20th year to Ashadh Shood Beej Sumvut 1891, (corresponding with the 8th day of July 1834, A.D.), on which day the functions of the regency shall terminate, and His Highness shall be placed in charge of the Government of his country, under the constitutional and established advice of his ministers and the members of the Jhareja Bhayat.

Art. 2.—With a view to the welfare and prosperity of the State of Kutch, and also to relieve His Highness Mirza Rao Shree Desuljee from all vexation and annoyance on the subject, the British Government reserves to itself, agreeably to the second article of the treaty of October 1819, the entire management and control, through the Resident in Kutch, of the Ex-Rao Bharmuljee, and will permit no interference on his part in any act of the Kutch Government.

Art. 3.—All existing engagements between the two States not modified or altered by this treaty are to be considered in full force and efficiency.

Done at Bhoog, on the 5th day of July 1834 (corresponding with Jesht Vud, 14th Sumvut 1891).

(signed) Jhareja *Khangargu* of Roha. Jhareja *Goorjee* of Sootree.
„ *Chandajee* of Nagureha. „ *Sahebjee* of Ninjan.
„ *Dosajee* of Kotree. „ *Pragjee* of Motalla.
„ *Pragjee* of Mhou. „ *Jemuljee* of Bhara.
„ *Soomraj* of Jera. „ *Ryabjee* of Mohtara.

(signed) *W. Bentinck*. *W. Morrison*.
F. Adam. *E. Ironside*.

Memorandum.—This treaty was ratified by the Right honourable the Governor-general of India in Council, on the 12th September 1834.

TRANSLATION of a Proclamation issued on the 6th February 1836 by His Highness Maha Rao Shere Desuljee Rao, of Kutch, prohibiting the Slave Trade within His Highness's territory.

KUTCH.

BE it known to the principal merchants of Moudwee, and every other merchant as well as trader in Kutch, whether belonging to it or only trading thereto, to all navigators of vessels, and to the inhabitants of Kutch generally, that if any slaves, negroes or Abyssinians shall be brought for sale to any seaport in Kutch after the middle of July next, the vessel conveying them shall be confiscated, and its cargo shall become the property of this Government (Durbar). No petition for its restoration shall be listened to; and further, the offenders shall be brought to condign punishment, whether they belong to Kutch or to another country. There will be no departure from this resolution. A vessel which brings slaves shall be seized, and summary punishment inflicted on those who navigate her.

The British Government have made arrangements to repress the trade in slaves throughout the adjacent countries, and it has instructed the officers commanding its ships to seize and retain all vessels bringing slaves; I therefore strictly prohibit, after the date before mentioned, any more slaves being brought into this country. Let all my subjects discontinue this custom, and take heed of this proclamation, and look to their interests and welfare by attending to it.

Given at Bhooj, this 5th Maha Vut Sumvut 1892 (corresponding with A.D., the 6th day of February 1836.)

(Large Seal of his Highness
the Rao of Kutch.)

(True Translation.)

(signed) A. Burnes,
Asst. Resident in charge of Bhooj Residency.

RENEWED ENGAGEMENT entered into by the Jhareja Chiefs of Kutch, under date the 23d March 1840, renouncing Female Infanticide.

THE writing of Jhareja Rahebyee, chief of Kotara, is this:—In the year of Sumvut 1875 (A.D. 1819) there was a treaty made between the Durbar of Kutch and the English Government. In the 17th article of that treaty it was stipulated that we the Jharejas would no longer destroy our female children, and in Sumvut 1891 (A.D. 1835) we renewed our engagement to the Durbar on this subject. Now the two governments have no confidence in the fulfilment of our engagements, therefore we have been summoned and required to consider the following arrangement:

Article 1.—An accurate account of all the sons and daughters born in the bhayat shall be rendered yearly to the Durbar according to a set form.

Art. 2.—Whenever a newly born child is destroyed among the bhayat the chief shall give information to the Durbar, within the space of 15 days, in order that the murderer may be visited with punishment, by fine or otherwise. If the chief conceals any instance of the crime, or neglects to take such measures as are sure to prevent its concealment from himself, and information of its having been committed reaches the Durbar from another quarter, then the chief himself shall submit to be heavily fined. It therefore behoves the chief to take good precautions, and whenever it is ascertained that the wife of a Jhareja has been pregnant, and the child is stated to have been born prematurely, or to have died naturally, in such case four respectable men shall take cognizance of the facts, and their verdict shall be reported to the Durbar within 15 days.

Art. 3.—The Durbar will keep the amount of all fines inflicted under the second article in a separate fund, out of which assistance will be given to any poor man who is marrying his daughter, on a representation of the circumstances being made by the chief.

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KUTCH.

Art. 4.—One or two mehtas from the Durbar will go round the country, and when they arrive in any of the villages the chief will cause accurate lists of all the sons and daughters to be made out for the information of the two governments.

To the above four articles I do hereby agree in behalf of myself and my posterity to every generation.

Dated Bhooj, 23d March 1840.

(signed) Jhareja Rahejee of Kotara.

Memorandum.—A similar Engagement was on the same day entered into by the under-mentioned Chiefs :

Jhareja Chandabhaee of Nogercha.
 Jhareja Soomrajee of Tera.
 Jhareja Khingarjee of Roha.
 Jhareja Soomrajee of Mootara.
 Jhareja Gorjee of Sooturee.
 Jhareja Kuliansingh of Airysir.
 Jhareja Humeerjee of Roturee.
 Jhareja Momyajee of Gujoor.
 Jhareja Humeerjee of Sandan.
 Jhareja Lukajee of Assombua.
 Jhareja Assargajee of Nureeya.
 Jhareja Jeehajee of Kheroce.
 Jhareja Gaujee of Furadee.
 Jhareja Nathajee of Bidra.

The following Rules were on the 8th October 1851 established by His Highness the Rao of Kutch, exempting, under certain circumstances, Vessels belonging to the ports of Bombay, of His Highness the Gaekwar, and of the Chiefs of Katteewar, from payment of duties on goods.

TRANSLATION of a Memorandum from His Highness Rao Desuljee to Kaibharee Koosulchund Hunsraj Mandvee, Aso Sood 14th St. 1908, A: D., 8th October 1851.

THE following Rules for the exemption from payment of duties by vessels driven by stress of weather into any of my ports, whilst on their voyage between Bombay and Sinde, are in supercession of those established in the year St. 1897, Magsur Sood 8th, 2d December A.D. 1840.

Rule 1.—Vessels from or belonging to the ports of Bombay, or those under the Gaekwar government, Joonagur, Nowanuggur, Bhowanuggur, Porbundee, Jafferabad and Mangrol, trading with any ports under the English Government, driven by stress of weather into Mandvee, or any other of my ports, shall, providing they depart without having landed their cargo or any portion of it, be exempt from payment of duty on the same, with the exception of a charge of five korees, which is to be levied as a fee on all vessels under the foregoing circumstances.

Rule 2.—A vessel driven into Mandvee, &c., under the circumstances above detailed, requiring such repairs as will involve the necessity of landing her cargo, a time will be fixed under which the repairs must be completed and the cargo re-shipped, when no duty will be charged, provided that during that time no attempt be made either by the tindal, the owners of the boat, or their accredited agents, to defraud me of custom duties by the surreptitious sale of any portion of the cargo.

Rule 3.—A vessel driven into Mandvee, &c., under the foregoing circumstances, and being found unseaworthy, her cargo may, within a specific time, be transhipped free of duty charges.

Rule 4.

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Rule 4.—Should a boat be driven into Mandvee, &c., at the close of the season, and be compelled to lay up for the monsoon, security must in the first instance be given for the full amount of customs on the whole cargo, when the goods may be landed and warehoused at the expense and risk of the owner or tindal of the vessel. The original invoice of the cargo, or an authentic copy, shall be deposited with the custom authorities at the opening of the season. The goods must be re-shipped on board the vessel which brought them, unless she be proved unseaworthy.

Rule 5.—Should it be proved that the tindal or owner of a vessel driven into Mandvee, &c., attempt to defraud the Custom authorities of duty by the sale of any portion of the cargo, or should they, without satisfactory reason, fail to sail within the period assigned for the completion of the repairs, duty will be chargeable to the full value of the cargo; or should less be re-shipped than was originally landed, or any portion of the cargo have been opened, and a most satisfactory explanation of the cause for so acting not be given, duty will be charged on the whole cargo.

All perishable or damaged articles may be sold under the sanction of the Custom-house authorities, on payment of the usual duty.

Rule 6.—Vessels driven into Mandvee, &c., under circumstances already set forth, and strictly observing the rules now laid down, shall be allowed to depart on the payment of five korees (5) only, but the infringement of any one of the rules now established, either by the tindal, the owner of the vessel, or any one of her accredited agents, shall involve the penalty of payment of duty on the value of the cargo.

Previous to punishing the breakers of the law now promulgated, their case must be reported to me for consideration, the offenders in the meantime providing approved security for their appearance to answer any charge that may be preferred against them, in default of which they are to be retained in confinement.

The above rules are to be made public, and have effect from the 27th October 1851.

(signed) Rao Desuljee.

(True Translation.)

(signed) G. Harding, Lieutenant,
Offg. Assistant Political Agent in Kutch.

(A true Gopy.)

(signed) G. Le Grand Jacob,
Political Agent in Kutch.

MAHEE AND REWA KANTA.

AHMEDNUGGUR.

Mahee and Rewa
Kanta.
Ahmednuggur.

TRANSLATION of a Paper addressed to Captain *Outram*, Acting Political Agent, Mahee Kanta, by Maharaj Prithee Sinjee Kurumsingjee.

IN your letter to me, dated 18th February 1836, you informed me that it was the intention of the British Government to restore my throne and kingdom to me if I would subscribe to certain conditions therein enumerated; to these conditions I agree, as follows:—

1. I will abide by the same agreement that was entered into in 1812, with the British Government.
2. From this time forward neither I, nor my children, nor my posterity, will perform the ceremony of suttee.
3. I will appoint a respectable and active minister to manage the business of my state, subject to the approval of the British Government.

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KUTCH.

4. I will pay my ghansdana, and any balance that may be due to His Highness the Gaekwar, through my nishadar, Oomedsing Barot of Putun, and in future I will continue my nisha as heretofore.

5. The expenses of the individuals confined at Sadra on account of the suttee shall be defrayed by me.

6. I will retain no Arabs, Mukrances, Purdesses, or others, whether horse or foot, except those that are old servants of my house.

7. If there should be any quarrel between any of my thakoors and any village, I will make known the same to the Political Agent, and as he shall advise, so will I do.

8. I will not attack the thakoor of any village without the permission of the Political Agent.

9. My minister, Mahadjee Soobahoot, is guilty in the affair of the suttee. I will not give him shelter within my territory.

I will act according to what I have written above.

In Maharaj Prithee Singjee's handwriting.

What is written above is correct.

18th February 1836, Ahmednuggur. (signed) *Takhutsingjee.*

(True Translation.)

(signed) J. Outram,
Acting Political Agent.

Loonawara.

LOONAWARA.

ENGAGEMENT entered into on the 16th April 1840, by Mahrana Futteh Singjee, Chief of Loonawara, with *A. Remington*, Esq., First Assistant to the Political Commissioner for Guzerat.

HAVING taken into consideration the subject brought to my notice, regarding the abolition of the suttee, I have, conformably thereto, issued a proclamation to inform the people residing in my districts, and will further make suitable arrangements in the matter.

Dated the 16th April 1840. (Seal of the Chief of Loonawara.)

ENGAGEMENT by the Rajah of Baria against Suttee.

TRANSLATION of a Note addressed by Maharawul Pruthirajee of Baria to *A. Remington*, Esq., Officiating First Assistant Political Commissioner for Guzerat dated Chytra Vud 11th Sumvut 1896, or the 28th April 1840, A. D.

HAVING taken into consideration the subject brought to my notice regarding the abolition of suttee, I shall enjoin its discontinuance in my towns and villages, and prohibit its future observance.

(Seal of Maharawul Pruthirajee.)

Dated Chytra Vud 11th Sumvut 1896 (corresponding with the 28th April 1840, A. D.).

ENGAGEMENT by the Chief of Bhadurwa against Suttee.

TRANSLATION of a Note addressed by Thakoor Jalum Sing of Bhadurwa to *A. Remington*, Esq., Officiating First Assistant Political Commissioner for Guzerat, dated Chytra Shood 7th Sumvut 1896, or the 8th April 1840, A. D.

HAVING taken into consideration the subject brought to my notice regarding the abolition of suttee, I will, agreeably to the wishes of Government, prohibit suttee in my territory.

(signed) *Jalum Sing.*

Dated Chytra Shood 7th Sumvut 1896, corresponding with the 8th April 1840, A. D.

KUTCH.

TRANSLATION of a Note addressed by Maharavul Goomansinjee, Chief of Chota Oodepoor in the Rewa Kanta, to *A. Remington*, Esquire, Officiating First Assistant to the Political Commissioner for Guzerat, and Resident at Baroda, dated Chytur Wud 5th Sumvut 1896 (22d April 1840, A.D.)

HAVING taken into consideration the subject brought to my notice regarding the abolition of suttee, I shall, agreeably to the suggestion contained in your note, enjoin its discontinuance in the State of (Chota) Oodepoor.

Dated 22d April 1840.

(Seal of the Chief of Oodepoor.)

ENGAGEMENT by the Rajah of Rajpeepla against Suttee.

TRANSLATION of a Note addressed by Maharana Veresaljee, Rajah of Rajpeepla to *A. Remington*, Esq., Officiating First Assistant Political Commissioner for Guzerat, dated Vyshakh Shood 8th Sumvut 1896 (corresponding with the 9th May 1840, A.D.)

I HAVE learnt the contents of your letter on the subject of the abolition of suttee with much pleasure, and shall make suitable arrangements to prohibit the practice within the districts of my State.

(Seal of the Raja of Rajpeepla.)

(True Translation.)

(signed) *A. Remington*,
Officiating First Assistant Political Commissioner.

K U T C H.

PROCLAMATION by the Rajah of Rajpeepla against Suttee.

(Large Seal).

PROCLAMATION issued by the Rajah of Rajpeepla, dated Shrawun Shood, 8th Sumvut 1896. (A.D. 13th August 1842).

KNOW all strangers, kamdars, disaees, patells, brahmins, merchants, and all subjects of the Rajpeepla State, that the Company's Government has prohibited any woman of any caste from performing the rite of suttee, and that an arrangement of that nature was made by this government in the month Vyskakh Sumvut 1896, as you are all aware. But it is to be lamented that the widow of Vishwanath Bhana, bramin, lately became suttee without the permission of this government, and I therefore again acquaint you that this government forbids the right of suttee, and commands you to bear in mind this order, and to conform thereto. If any woman shall, in the face of this proclamation, perform suttee, her accomplices shall be punished by this government, and no persons therefore must allow the act. Let every person remember and obey this order.

(Seal of the Rajah Rajpeepla.)

(True Translation.)

(signed) *T. Ogilvy*,
Second Assistant Political Commissioner and Resident.

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KUTCH.

TRANSLATION of a Note addressed by Rana Bhowanee Singjee of Soonth to
A. Remington, Esq., Officiating First Assistant Political Commissioner for
Guzerat, dated 12th May 1840.

HAVING taken into consideration the subject brought to my notice regarding
the abolition of suttee, I will make arrangements in my territory to prohibit the
future observance of suttee.

Seal of the Rana of Soonth.)

(True Translation.)

(signed) *A. Remington*,
Officiating First Assistant Political Commissioner.

Wankaneer.

WANKANEER.

TRANSLATION of a Note addressed by Thakoor Sirdar Sing, of Wankaneer, to
A. Remington, Esq., Officiating First Assistant Political Commissioner for
Guzerat, dated Vysack Shood 7th Sumvut 1896, or the 8th May 1840.

HAVING taken into consideration the subject brought to my notice regarding
the abolition of suttee, I will prohibit the practice in my districts, and make
suitable arrangements for its discontinuance.

(signed) *Sirdar Sing*.

(True Translation.)

(signed) *A. Remington*,
Officiating First Assistant Political Commissioner.

LAHORE.

LAHORE.

TREATY concluded between Maharajah Runjeet Sing and Shah Shooja-ool-Moolk
dated 12th March 1833.

PREAMBLE.—Relations of friendship having been firmly established between
Maharajah Runjeet Sing and Shah Shooja-ool-Moolk, so that there neither is nor
ever shall be any alienation or difference of interests existing between them, they
agree to adopt the following articles in consideration of the terms of goodwill and
friendship by which they are reciprocally actuated.

1. Shah Shooja-ool-Moolk disclaims all title on the part of himself, his heirs,
successors, and all the suddozages, to whatever territories lying on either bank of
the River Indus may be possessed by the Maharajah, viz., Cashmere, including its
limits east, west, north, and south, together with the fort of Attock, Chetch,
Hezara, Khebel, Aub with its dependencies on the left bank of the aforesaid river,
and on the right bank, Peshawur, with the Eusefzye territory, Kheteks, Hesht
Nagor, Meehnee, Cohaut, and all places dependent on Peshawur as far as the
Khyber Pass, Bennoo, the Vezeeree territory, Dour, Tonk, Gorauk, Kalabagh,
and Kushal Ghur, with their dependent districts, Dera Ismael Khan and its
dependency, with Dera Ghazee Khan, Kote Mitthun, and their dependent terri-
tory, Sirghur, Heren, Dajel, Hajeepore, Rajenpore, and the three Ketches, as well
as Manhera with its district, and the province of Mooltan situated on the left
bank. These countries and places are considered to be the property and to form
the estate of the Maharajah; the Shah neither has nor will have any concern with
them; they belong to the Maharajah and his posterity from generation to
generation

2. The

2. The people of the country on the other side of the Khyber will not be suffered to commit robberies or aggression, or any disturbances on this side. If any defaulter of either state who has embezzled the revenue takes refuge in the territory of the other, each party engages to surrender him.

3. Agreeably to the treaty established with the British Government and the Maharajah, no one can cross from the left to the right bank of the Sutledge without a passport from the Maharajah. The same rule shall be observed regarding the passage of the Indus, whose waters join the Sutledge, and no one shall be allowed to cross the Indus without the Maharajah's permission.

4. Regarding Shikarpore and the territory of Scinde lying on the right bank of the Indus, the Shah shall abide by whatever may be settled as right and proper, in conformity with the happy relations of friendship subsisting between the British Government and the Maharajah, through Captain Wade.

5. When the Shah shall have established his authority in Cabool and Candahar, he will annually send the Maharajah the following articles, viz., 55 high-bred horses of approved colours and pleasant paces, 11 Persian scimitars, 7 Persian poniards, 25 good mules, fruits of various kinds, both dry and fresh, sirdars or musk melons of a sweet and delicate flavour (to be sent throughout the year) by the way of Cabool river to Peshawur, grapes, pomegranates, apples, quinces, almonds, raisins, pistahs or chronuts, an abundant supply of each, as well as pieces of satin of every colour, chogas of fur, kimkhabs wrought with gold and silver, and Persian carpets, altogether to the number of 101 pieces. All these articles the Shah will continue to send every year to the Maharajah.

6. Each party shall address the other on terms of equality.

7. Merchants of Affghanistan who will be desirous of trading to Lahore, Umritsur, or any other part of the Maharajah's possessions, shall not be stopped or molested in their way. On the contrary, strict orders shall be given to facilitate their intercourse, and the Maharajah engages to observe the same line of conduct on his part in respect to traders who may wish to proceed to Affghanistan.

8. The Maharajah will yearly send to the Shah the following articles in the way of friendship: 55 pieces of shawls, 25 pieces of muslin, 11 droputtahs, 5 pieces of kimkhab, 5 scarfs, 5 turbans, 55 loads of barlh rice peculiar to Peshawur.

9. Any of the Maharajah's officers who may be deputed to Affghanistan to purchase horses, or on any other business, as well as those who may be sent by the Shah into Punjaub for the purpose of purchasing piece goods or shawls, &c., to the amount of 11,000 rupees, will be treated by both sides with due attention, and every facility will be afforded to them in the execution of their commission.

10. Whenever the armies of the two States may happen to be assembled at the same place, on no account shall the slaughter of kine be permitted to take place.

11. In the event of the Shah taking an auxiliary force from the Maharajah, whatever booty may be acquired from the Baruhzyes in jewels, horses, arms, great or small, shall equally be divided between the two contracting parties. If the Shah should succeed in obtaining possession of their property, without the assistance of the Maharajah's troops, the Shah agrees to send a portion of it by his own agent to the Maharajah, in the way of friendship.

12. An exchange of missions, charged with letters and presents, shall constantly take place between the two parties.

13. Should the Maharajah require the aid of any of the Shah's troops, the Shah engages to send a force, commanded by one of his principal officers. In like manner the Maharajah will furnish the Shah, when required, with an auxiliary force, composed of Mahomedans, and commanded by one of his principal officers, as far as Cabool. When the Maharajah may go to Peshawur, the Shah will depute a shahzadah to visit him; on which occasions the Maharajah will receive and dismiss him with the honour and consideration due to his rank and dignity.

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14. The friends and enemies of the one shall be the friends and enemies of the other.

15. Both parties cordially agree to the foregoing articles; there shall be no deviation from them; the present treaty shall be considered binding for ever.

SUPPLEMENTARY TREATY between the British Government and Maharajah Runjeet Sing, for establishing a Toll on the Indus; published by the Governor-General of India in Council, on the 24th January 1835.

IN conformity with the subsisting relations of friendship, as established and confirmed by former treaties, between the Honourable East India Company and His Highness Maharaja Runjeet Sing; and whereas, in the fifth article of the treaty concluded at Lahore on the 26th day of December 1832, it was stipulated that a moderate scale of duties should be fixed by the two Governments in concert, to be levied on all merchandise in transit up and down the Rivers Indus and Sutledge; the said Governments being now of opinion, that, owing to the inexperience of the people of these countries in such matters, the mode of levying duties then proposed (viz., on the value and quantity of goods) could not fail to give rise to mutual misunderstandings and reclamations, have, with a view to prevent these results, determined to substitute a toll which shall be levied on all boats with whatever merchandise laden. The following articles have therefore been adopted as supplementary to the former treaty, and in conformity with them each Government engages that the toll shall be levied, and its amount neither be increased nor diminished, except by mutual consent.

Article 1.—A toll of 570 rupees shall be levied on all boats laden with merchandise, in transit on the Rivers Indus and Sutledge, between the sea and Rooper, without reference to their size, or to the weight or value of their cargo; the above toll to be divided among the different States, in proportion to the extent of territory which they possess on the banks of those rivers.

Art. 2.—The portion of the above toll appertaining to the Lahore Chief, in right of his territory on both banks of those rivers, as determined in the subjoined scale, shall be levied opposite to Mitthun Kote on boats coming from the sea towards Rooper, and in the vicinity of Hurreekie on boats going from Rooper towards the sea, and at no other place.

In right of territory on the right bank of the Rivers	
Indus and Sutledge	- - - - - Rs.155 4

In right of territory on the left bank of the Rivers Indus	
and Sutledge	- - - - -

The Maharaja's share of rupees	- - - - - 67 15*
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Art. 3.—In order to facilitate the realization of the toll due to the different States, as well as for the speedy and satisfactory adjustment of any disputes which may arise connected with the safety of the navigation and the welfare of the trade by the new route, a British officer will reside opposite to Mitthun Kote, and a native agent, on the part of the British Government, opposite to Hurreckie. These officers will be subject to the orders of the British agent at Loodiana, and the agents who may be appointed to reside at those places on the part of the other States concerned in the navigation; viz., Bahawulpore and Sinda, together with those of Lahore, will co-operate with them in the execution of their duties.

Art. 4.—In order to guard against imposition, on the part of merchants, in making false complaints of being plundered of property which formed no part of their cargoes, they are required, when taking out their passports, to produce an invoice of their cargo, which being duly authenticated, a copy of it will be annexed to their passports, and whenever their boats may be brought-to for the night, they are

* A distribution of the shares due to the British protected Sikh States, and the feudatories of the Maharajah on the left bank of the Sutlej, will be determined hereafter.

are required to give immediate notice to the thannadars or officers of the place, and to request protection for themselves, at the same time showing the passports they may have received at Mitthun Kote or Hurreckee, as the case may be.

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Art. 5.—Such parts of the fifth, seventh, ninth, and tenth articles of the treaty of the 26th December 1832 as have reference to the fixing a duty on the value and quantity of merchandise, and to the mode of its collection, are hereby rescinded, and the foregoing articles substituted in their place; agreeably to which, and the conditions of the preamble, the toll will be levied.

TRIPARTITE TREATY between the British Government, Runjeet Sing, and Shah Shooja-ool-Moolk, concluded at Lahore on the 26th June 1838.

WHEREAS a treaty was formerly concluded between Maharajah Runjeet Sing and Shah Shooja-ool-Moolk, consisting of 14 articles, exclusive of the preamble and the conclusion; and whereas the execution of the provisions of the said treaty was suspended for certain reasons; and whereas at this time Mr. W. H. Macnaghten having been deputed by the Right honourable George Lord Auckland, G.C.B., Governor-General of India, to the presence of Maharajah Runjeet Sing, and vested with full powers to form a treaty in a manner consistent with the friendly engagements subsisting between the two States, the treaty aforesaid is received and concluded, with certain modifications, and four new articles have been added thereto, with the approbation of and in concert with the British Government, the provisions whereof, as contained in the following 18 articles, will be duly and faithfully observed:

1. Shah Shooja-ool-Moolk disclaims all title, on the part of himself, his heirs, successors, and all the Suddozyes, to whatever territories lying on either bank of the River Indus may be possessed by the Maharajah; viz., Cashmere, including its limits E. W. N. and S., together with the fort of Attock, Chetch, Hezara, Khebel, Aub with its dependencies, on the left bank of the aforesaid river; and on the right bank Peshawur, with the Eusefzye territory, Kheteks, Hesht, Nagor, Meehnee, Cohaut, Hungoo, and all the places dependent on Peshawur as far as the Khyber Pass, Bennoo, the Vezeree territory, Dour, Tonk, Gorauk, Kalabagh, and Kushal Ghur, with their dependent districts, Dera Ismael Khan and its dependency, together with Dera Ghazee Khan, Kote Mitthun, Omar Kote, and their dependent territory, Singhur, Heren, Dajel, Hajeepoor, Rajenpore, and the three Ketches, as well as Manhera with its district, and the province of Mooltan, situated on the left bank. These countries and places are considered to be the property and to form the estate of the Maharajah, and the Shah neither has nor will have any concern with them; they belong to the Maharajah and his posterity from generation to generation.

2. The people of the country on the other side of Khyber will not be suffered to commit robberies or aggressions or any disturbances on this side. If any defaulter of either State who has embezzled the revenue take refuge in the territory of the other, each party engages to surrender him; and no person shall obstruct the passage of the stream which issues out of the Khyber defile, and supplies the fort of Futtighur with water according to ancient usage.

3. As agreeably to the treaty established between the British Government and the Maharajah, no one can cross from the left to the right bank of the Sutledge without a passport from the Maharajah, the same rule shall be observed regarding the passage of the Indus whose waters join the Sutledge, and no one shall be allowed to cross the Indus without the Maharajah's permission.

4. Regarding Shikarpore and the territory of Sinde lying on the right bank of the Indus, the Shah will agree to abide by whatever may be settled as right and proper, in conformity with the happy relations of friendship subsisting between the British Government and the Maharajah through Captain Wade.

5. When the Shah shall have established his authority in Cabool and Candahar, he will annually send the Maharajah the following articles; viz. 55 high-bred horses of approved colour and pleasant paces, 11 Persian scimitars, seven Persian poignards.

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poignards, 25 good mules, fruits of various kinds, both dry and fresh, and sirdars or musk melons of a sweet and delicate flavour (to be sent throughout the year) by the way of Cabool River to Peshawur, grapes, pomegranates, apples, quinces, almonds, raisins, pistahs, or chronuts, an abundant supply of each, as well as pieces of satin of every colour, chogas of fur, kimkhabs wrought with gold and silver, and Persian carpets, altogether to the number of 101 pieces; all these articles the Shah will continue to send every year to the Maharajah.

6. Each party shall address the other on terms of equality.

7. Merchants of Affghanistan who will be desirous of trading to Lahore, Umritsir, or any other parts of the Maharajah's possessions, shall not be stopped or molested on their way; on the contrary, strict orders shall be issued to facilitate their intercourse, and the Maharajah engages to observe the same line of conduct on his part with respect to traders who may wish to proceed to Affghanistan.

8. The Maharajah will yearly send to the Shah the following articles in the way of friendship: 55 pieces of shawls, 25 pieces of muslin, 11 dooputtahs, five pieces of kinkhab, five scarfs, five turbans, 55 loads of Bareh rice (peculiar to Peshawur).

9. Any of the Maharajah's officers who may be deputed to Affghanistan to purchase horses, or on any other business, as well as those who may be sent by the Shah into the Punjaub for the purpose of purchasing piece goods or shawls, &c., to the amount of 11,000 rupees, will be treated by both sides with due attention, and every facility will be afforded to them in the execution of their commissions.

10. Whenever the armies of the two states may happen to be assembled at the same place, on no account shall the slaughter of kine be permitted to take place.

11. In the event of the Shah taking an auxiliary force from the Maharajah, whatever booty may be acquired from the Barukzyes in jewels, horses, arms, great and small, shall be equally divided between the two contracting parties. If the Shah should succeed in obtaining possession of their property without the assistance of the Maharajah's troops, the Shah agrees to send a portion of it by his own agent to the Maharajah in the way of friendship.

12. An exchange of missions charged with letters and presents shall constantly take place between the two parties.

13. Should the Maharajah require the aid of any of the Shah's troops in furtherance of the objects contemplated by this treaty, the Shah engages to send a force commanded by one of his principal officers. In like manner the Maharajah will furnish the Shah, when required, with an auxiliary force, composed of Mahomedans, and commanded by one of his principal officers as far as Cabool, in furtherance of the objects contemplated by this treaty. When the Maharajah may go to Peshawur, the Shah will depute a Shahzadah to visit him, on which occasions the Maharajah will receive and dismiss him with the honour and consideration due to his rank and dignity.

14. The friends and enemies of each of the three high powers, that is to say, the British and Sikh Governments and Shah Shooja-ool-Moolk, shall be friends and enemies of all.

15. Shah Shooja-ool-Moolk engages, after the attainment of his object, to pay, without fail, to the Maharajah the sum of two lacs of rupees, of the Nanuh Shahee or Kuldar currency, calculating from the date on which the Sikh troops may be despatched for the purpose of reinstating his Majesty in Cabool, in consideration of the Maharajah stationing a force of not less than 5,000 men, cavalry and infantry, of the Mahomedan persuasion, within the limits of the Peshawur territory, for the support of the Shah, and to be sent to the aid of his Majesty whenever the British Government, in concert and counsel with the Maharajah, shall deem their aid necessary; and when any matter of great importance may arise to the westward, such measures will be adopted with regard to it as may seem expedient and proper at the time to the British and Sikh Governments. in the event of the Maharajah requiring the aid of any of the Shah's troops,
a deduction

a deduction shall be made from the subsidy proportioned to the period for which such aid may be afforded; and the British Government holds itself responsible for the punctual payment of the above sum annually to the Maharajah so long as the provisions of this treaty are duly observed.

16. Shah Shooja-ool-Moolk agrees to relinquish for himself, his heirs and successors, all claims of supremacy and arrears of tribute over the country now held by the Ameers of Sind (which will continue to belong to the Ameers and their successors in perpetuity), on condition of the payment to him by the Ameers of such a sum as may be determined under the mediation of the British Government, 15,00,000 of rupees of such payment being made over by him to Maharajah Runjeet Sing. On these payments being completed, article 4th of the Treaty of 12th March 1833 will be considered cancelled, and the customary interchange of letters and suitable presents between the Maharajah and the Ameers of Sind shall be maintained as heretofore.

17. When Shah Shooja-ool-Moolk shall have succeeded in establishing his authority in Affghanistan, he shall not attack or molest his nephew, the ruler of Herat, in the possession of the territories now subject to his government.

18. Shah Shooja-ool-Moolk binds himself, his heirs and successors, to refrain from entering into negotiations with any foreign State without the knowledge and consent of the British and Sikh Governments, and to oppose any power having the design to invade the Sikh or British territories by force of arms to the utmost of his ability.

The three powers parties to this treaty, viz., the British Government, Maharajah Runjeet Sing, and Shah Shooja-ool-Moolk, cordially agree to the foregoing articles; there shall be no deviation from them, and in that case the present treaty shall be considered binding for ever; and this treaty shall come into operation from and after the date on which the seals and signatures of the three contracting parties shall have been affixed thereto.

Done at Lahore this 26th day of June in the year of our Lord 1838, corresponding with the 15th of the month of Asarh 1895, æra of Bikarmajit.

TREATY between the British Government and the State of Lahore, concluded at Lahore on 9th March 1846.

WHEREAS the treaty of amity and concord which was concluded between the British Government and the late Maharajah Runjeet Sing, the ruler of Lahore, in 1809, was broken by the unprovoked aggression on the British Provinces of the Sikh army in December last; and whereas on that occasion, by the proclamation dated the 13th of December, the territories then in the occupation of the Maharajah of Lahore on the left or British bank of the River Sutlej were confiscated and annexed to the British Provinces, and since that time hostile operations have been prosecuted by the two Governments, the one against the other, which have resulted in the occupation of Lahore by the British troops; and whereas it has been determined that upon certain conditions peace shall be re-established between the two Governments; the following treaty of peace between the Honourable English East India Company and Maharajah Dhuleep Sing Bahadoor and his children, heirs and successors, has been concluded, on the part of the Honourable Company, by Frederick Currie, Esquire, and Brevet-major Henry Montgomery Lawrence, by virtue of full powers to that effect vested in them by the Right honourable Sir Henry Hardinge, G.C.B., one of Her Britannic Majesty's most Honourable Privy Council, Governor-general appointed by the Honourable Company to direct and control all their affairs in the East Indies, and on the part of his Highness the Maharajah Dhuleep Sing, by Bahee Ram Sing, Rajah Lal Sing, Sirdar Tej Sing, Sirdar Chutter Sing Attareewalla, Sirdar Runjore Sing Mujethea, Dewan Deena Nath, and Fakeer Noor-ood-deen, vested with full powers and authority on the part of his Highness.

Article 1.—There shall be perpetual peace and friendship between the British Government on the one part, and Maharajah Dhuleep Sing, his heirs and successors, on the other.

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Art. 2.—The Maharajah of Lahore renounces for himself, his heirs and successors, all claim to or connexion with the territories lying to the south of the River Sutlej, and engages never to have any concern with those territories or the inhabitants thereof.

Art. 3.—The Maharajah cedes to the Honourable Company in perpetual sovereignty all his forts, territories, and rights in the dooab, or country, hill and plain, situate between the Rivers Beas and Sutlej.

Art. 4.—The British Government having demanded from the Lahore State, as indemnification for the expenses of the war, in addition to the cession of territory described in Article 3, payment of one and a half crores of rupees, and the Lahore Government being unable to pay the whole of this sum at this time, or to give security, satisfactory to the British Government, for its eventual payment, the Maharajah cedes to the Honourable Company, in perpetual sovereignty, as equivalent for one crore of rupees, all his forts, territories, rights, and interests in the hill countries which are situate between the Rivers Beas and Indus, including the provinces of Cashmere and Hazarah.

Art. 5.—The Maharajah will pay to the British Government the sum of 50 lacs of rupees on or before the ratification of this treaty.

Art. 6.—The Maharajah engages to disband the mutinous troops of the Lahore army, taking from them their arms; and his Highness agrees to reorganise the regular or Aieen regiments of infantry, upon the system and according to the regulations as to pay and allowances observed in the time of the late Maharajah Runjeet Sing. The Maharajah further engages to pay up all arrears to the soldiers that are discharged under the provisions of this Article.

Art. 7.—The regular army of the Lahore State shall henceforth be limited to 25 battalions of infantry, consisting of 800 bayonets each, with 12,000 cavalry; this number at no time to be exceeded without the concurrence of the British Government. Should it be necessary at any time, for any special cause, that this force should be increased, the cause shall be fully explained to the British Government; and when the special necessity shall have passed, the regular troops shall be again reduced to the standard specified in the former clause of this Article.

Art. 8.—The Maharajah will surrender to the British Government all the guns, 36 in number, which have been pointed against the British troops, and which, having been placed on the right bank of the River Sutlej, were not captured at the battle of Sobraon.

Art. 9.—The control of the Rivers Beas and Sutlej, with the continuations of the latter river, commonly called the Garrah and the Punjnud, to the confluence of the Indus at Mithunkote, and the control of the Indus from Mithunkote to the borders of Beloochistan, shall, in respect to tolls and ferries, rest with the British Government. The provisions of this Article shall not interfere with the passage of boats belonging to the Lahore Government on the said rivers for the purposes of traffic, or the conveyance of passengers up and down their course. Regarding the ferries between the two countries respectively at the several ghats of the said rivers, it is agreed that the British Government, after defraying all the expenses of management and establishments, shall account to the Lahore Government for one-half of the net profits of the ferry collections. The provisions of this Article have no reference to the ferries on that part of the River Sutlej which forms the boundary of Bahawulpore and Lahore respectively.

Art. 10.—If the British Government should at any time desire to pass troops through the territories of his Highness the Maharajah, for the protection of the British territories or those of their allies, the British troops shall, on such special occasions, due notice being given, be allowed to pass through the Lahore territories. In such case the officers of the Lahore State will afford facilities in providing supplies and boats for the passage of rivers; and the British Government will pay the full price of all such provisions and boats, and will make fair compensation for all private property that may be endamaged. The British Government will, moreover, observe all due consideration to the religious feelings of the inhabitants of those tracts through which the army may pass.

Art. 11.

Art. 11.—The Maharajah engages never to take or retain in his service any British subject, nor the subject of any European or American State, without the consent of the British Government.

Art. 12.—In consideration of the services rendered by Rajah Golab Sing of Jumnoo to the Lahore State, towards procuring the restoration of the relations of amity between the Lahore and British Governments, the Maharajah hereby agrees to recognise the independent sovereignty of Rajah Golab Sing in such territories and districts in the hills as may be made over to the said Rajah Golab Sing by separate agreement between himself and the British Government, with the dependencies thereof which may have been in the Rajah's possession since the time of the late Maharajah Kurruk Sing; and the British Government, in consideration of the good conduct of Rajah Golab Sing, also agrees to recognise his independence in such territories, and to admit him to the privileges of a separate treaty with the British Government.

Art. 13.—In the event of any dispute or difference arising between the Lahore State and Rajah Golab Sing, the same shall be referred to the arbitration of the British Government, and by its decision the Maharajah engages to abide.

Art. 14.—The limits of the Lahore territories shall not be at any time changed without the concurrence of the British Government.

Art. 15.—The British Government will not exercise any interference in the internal administration of the Lahore State, but in all cases or questions which may be referred to the British Government, the Governor-general will give the aid of his advice and good offices for the furtherance of the interests of the Lahore Government.

Art. 16.—The subjects of either State shall, on visiting the territories of the other, be on the footing of the subjects of the most favoured nation.

This treaty, consisting of 16 articles, has been this day settled by Frederick Currie Currie, Esquire, and Brevet-Major Henry Montgomery Lawrence, acting under the directions of the Right honourable Sir Henry Hardinge, G.C.B., Governor-general, on the part of the British Government, and by Bhaee Ram Sing, Rajah Lal Sing, Sirdar Tej Sing, Sirdar Chutter Sing Attareewalla, Sirdar Runjore Sing Mujeethea, Dewan Deena Nath, and Fakeer Noor-ood-deen, on the part of the Maharajah Dhuleep Sing; and the said treaty has been this day ratified by the seal of the Right honourable Sir Henry Hardinge, G.C.B., Governor-general, and by that of his Highness Maharajah Dhuleep Sing.

Done at Lahore, this 9th day of March in the year of our Lord 1846, corresponding with the 10th day of Rubbee-ool-awul, 1262 Hijree, and ratified on the same day.

(signed)	Maharajah <i>Dhuleep Sing</i> .	(L.S.)
	Bhaee <i>Ram Sing</i> .	(L.S.)
	Rajah <i>Lal Sing</i> .	(L.S.)
	Sirdar <i>Tej Sing</i> .	(L.S.)
	Sirdar <i>Chutter Sing Attareewalla</i> .	(L.S.)
	Sirdar <i>Runjore Sing Mujeethea</i> .	(L.S.)
	Dewan <i>Deena Nath</i> .	(L.S.)
	Faqueer <i>Noorooddeen</i> .	(L.S.)
	<i>H. Hardinge</i> .	(L.S.)
	<i>F. Currie</i> .	
	<i>H. M. Lawrence</i> .	

ARTICLES of Agreement concluded between the British Government and the Lahore Durbar on the 11th of March 1846.

WHEREAS the Lahore Government has solicited the Governor-general to leave a British force at Lahore for the protection of the Maharaja's person and of the capital till the re-organization of the Lahore army, according to the provisions of Article 6 of the treaty of Lahore, dated the 9th instant; and whereas the Governor-general has, on certain conditions, consented to the measure; and whereas it is expedient that certain matters concerning the territories ceded by Articles 3 and 4

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of the aforesaid treaty should be specifically determined, the following Eight Articles of Agreement have this day been concluded between the afore-mentioned contracting parties:—

Article 1.—The British Government shall leave at Lahore till the close of the current year, A. D. 1846, such force as shall seem to the Governor-general adequate for the purpose of protecting the person of the Maharajah and the inhabitants of the city of Lahore during the re-organization of the Sikh army, in accordance with the provisions of Article 6, of the treaty of Lahore, that force to be withdrawn at any convenient time before the expiration of the year, if the object to be fulfilled shall in the opinion of the Durbar have been attained; but the force shall not be detained at Lahore beyond the expiration of the current year.

Art. 2.—The Lahore Government agrees that the force left at Lahore for the purpose specified in the foregoing Article shall be placed in full possession of the fort and the city of Lahore, and that the Lahore troops shall be removed from within the city. The Lahore Government engages to furnish convenient quarters for the officers and men of the said force, and to pay to the British Government all the extra expenses in regard to the said force which may be incurred by the British Government in consequence of their troops being employed away from their own cantonments and in a foreign territory.

Art. 3.—The Lahore Government engages to apply itself immediately and earnestly to the re-organization of its army according to the prescribed conditions, and to communicate fully with the British authorities left at Lahore as to the progress of such re-organization, and as to the location of the troops.

Art. 4.—If the Lahore Government fails in the performance of the conditions of the foregoing Article, the British Government shall be at liberty to withdraw the force from Lahore at any time before the expiration of the period specified in Article 1.

Art. 5.—The British Government agrees to respect the *bonâ fide* rights of those jageerdars within the territories ceded by Articles 3 and 4 of the treaty of Lahore dated 9th instant, who were attached to the families of the late Maharajah Runjeet Sing, Kurruk Sing, and Shere Sing; and the British Government will maintain those jageerdars in their *bonâ fide* possessions during their lives.

Art. 6.—The Lahore Government shall receive the assistance of the British local authorities in recovering the arrears of revenue justly due to the Lahore Government from their kardars and managers in the territories ceded by the provisions of Article 3 and 4 of the treaty of Lahore to the close of the *khurreef* harvest of the current year, viz. 1902 of the Sumbat Bikramajeet.

Art. 7.—The Lahore Government shall be at liberty to remove from the forts in the territories specified in the foregoing Article all treasure and State property, with the exception of guns. Should, however, the British Government desire to retain any part of the said property, they shall be at liberty to do so, paying for the same at a fair valuation; and the British Officers shall give their assistance to the Lahore Government in disposing on the spot of such part of the aforesaid property as the Lahore Government may not wish to remove, and the British officers may not desire to retain.

Art. 8.—Commissioners shall be immediately appointed by the two Governments to settle and lay down the boundary between the two states, as defined by Article 4 of the Treaty of Lahore, dated 9th March 1846.

(signed)	Maharajah Dhuleep Sing.	(L.S.)
	Bhaee Ram Sing.	(L.S.)
	Rajah Lal Sing.	(L.S.)
	Sirdar Tej Sing.	(L.S.)
	Sirdar Chutter Sing Attarwala.	(L.S.)
	Sirdar Runjore Sing Majetha.	(L.S.)
	Dewan Deena Nath.	(L.S.)
	Faqueer Noorooddeen.	(L.S.)
	H. Hardinge.	(L.S.)
	F. Currie.	
	H. M. Lawrence.	

TREATY between the British Government and Maharajah Golab Sing, concluded at Umritsur on 16th March 1846.

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TREATY between the British Government on the one part, and Maharajah Golab Sing of Jummoo on the other, concluded on the part of the British Government by Frederick Currie, Esq., and Brevet-Major Henry Montgomery Lawrence, acting under the orders of the Right honourable Sir Henry Hardinge, G.C.B., one of Her Britannic Majesty's Most honourable Privy Council, Governor-general appointed by the Honourable Company to direct and control all their affairs in the East Indies, and by Maharajah Golab Sing in person.

Article 1.—The British Government transfers and makes over for ever in independent possession to Maharajah Golab Sing and the heirs male of his body, all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and westward of the River Ravee, including Chumba, and excluding Lahool, being part of the territory ceded to the British Government by the Lahore State, according to the provisions of Article 4 of the treaty of Lahore, dated 9th March 1846.

Art. 2.—The Eastern boundary of the tract transferred by the foregoing Article to Maharajah Golab Sing shall be laid down by Commissioners appointed by the British Government and Maharajah Golab Sing respectively for that purpose, and shall be defined in a separate engagement, after survey.

Art. 3.—In consideration of the transfer made to him and his heirs by the provisions of the foregoing articles, Maharajah Golab Sing will pay to the British Government the sum of 75 lacs of rupees (Nanuckshahee), 50 lacs to be paid on ratification of this treaty, and 25 lacs on or before the 1st October of the current year, A.D. 1846.

Art. 4.—The limits of the territories of Maharajah Golab Sing shall not be at any time changed without the concurrence of the British Government.

Art. 5.—Maharajah Golab Sing will refer to the arbitration of the British Government any disputes or questions that may arise between himself and the government of Lahore or any other neighbouring state, and will abide by the decision of the British Government.

Art. 6.—Maharajah Golab Sing engages for himself and heirs to join with the whole of his military force the British troops when employed within the hills, or in the territories adjoining his possessions.

Art. 7.—Maharajah Golab Sing engages never to take or retain in his service any British subject, nor the subject of any European or American State, without the consent of the British Government.

Art. 8.—Maharajah Golab Sing engages to respect, in regard to the territory transferred to him, the provisions of Articles 5, 6 and 7 of the separate engagement between the British Government and the Lahore Durbar, dated 11th March 1846.

Art. 9.—The British Government will give its aid to Maharajah Golab Sing in protecting his territories from external enemies.

Art. 10.—Maharajah Golab Sing acknowledges the supremacy of the British Government, and will, in token of such supremacy, present annually to the British Government, one horse, twelve perfect shawl goats of approved breed (six male and six female), and three pairs of Cashmere shawls.

This treaty, consisting of Ten Articles, has been this day settled by Frederick Currie, esq., and Brevet-major Henry Montgomery Lawrence, acting under the directions of the Right honourable Sir Henry Hardinge, G.C.B., Governor-general, on the part of the British Government, and by Maharajah Golab Sing in person; and the said treaty has been this day ratified by the seal of the Right honourable Sir Henry Hardinge, G.C.B., Governor-general.

Done at Umritsur, this 16th day of March in the year of our Lord 1846, corresponding with the 17th day of Rubbee-ool-awul 1262 Hijree.

Golab Sing (L.S.)

(signed)

H. Hardinge (L.S.)

F. Currie.

H. M. Lawrence.

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ARTICLES of Agreement concluded between the British Government and the Lahore Durbar on the 16th December 1846.

WHEREAS the Lahore Durbar and the principal chiefs and sirdars of the State have in express terms communicated to the British Government their anxious desire that the Governor-general should give his aid and assistance to maintain the administration of the Lahore State during the minority of the Maharaja Duleep Sing, and have declared this measure to be indispensable for the maintenance of the government : And whereas the Governor-general has, under certain conditions, consented to give the aid and assistance solicited, the following articles of agreement, in modification of the articles of agreement executed at Lahore on the 11th March last, have been concluded on the part of the British Government by Frederick Currie, esq., Secretary to the Government of India, and Lieutenant-colonel Henry Montgomery Lawrence, c.b., agent to the Governor-general, North-western frontier, by virtue of full powers to that effect vested in them by the Right honourable Viscount Hardinge, g.c.b., Governor-general, and on the part of his Highness Maharajah Duleep Sing, by Sirdar Tej Sing, Sirdar Shere Sing, Dewan Deena Nath, Fakeer Noorooddeen, Rao Kishen Chund, Sirdar Runjore Sing Mujeethia, Sirdar Utter Sing Kaleewalla, Bhace Nidhan Sing, Sirdar Khan Sing Mujeethia, Sirdar Shumshere Sing, Sirdar Lall Sing Monareeah, Sirdar Rhee Sing Sundhunwalla, Sirdar Urjun Sing Rungrungaleah, acting with the unanimous consent and concurrence of the chiefs and sirdars of the State assembled at Lahore :—

Article 1.—All and every part of the treaty of peace between the British Government and the State of Lahore, bearing date the 9th day of March 1846, except in so far as it may be temporarily modified in respect to clause 15 of the said treaty by this engagement, shall remain binding upon the two Governments.

Art. 2.—A British officer, with an efficient establishment of assistants, shall be appointed by the Governor-general to remain at Lahore, which officer shall have full authority to direct and control all matters in every part of the State.

Art. 3.—Every attention shall be paid in conducting the administration to the feelings of the people, to preserving the national institutions and customs, and to maintaining the just rights of all classes.

Art. 4.—Changes in the mode and details of administration shall not be made except when found necessary for effecting the objects set forth in the foregoing clause, and for securing the just dues of the Lahore Government. These details shall be conducted by native officers, as at present, who shall be appointed and superintended by a council of regency, composed of leading chiefs and sirdars, acting under the control and guidance of the British Resident.

Art. 5.—The following persons shall in the first instance constitute the council of regency ; viz., Sirdar Tej Sing, Sirdar Shere Sing Attareewalla, Dewan Deena Nath, Fakeer Noorooddeen, Sirdar Runjore Sing Mujeethea, Bhace Nedham Sing, Sirdar Uttur Sing Kaleewalla, Sirdar Shumshere Sing Sindhunwalla ; and no change shall be made in the persons thus nominated without the consent of the British Resident, acting under the orders of the Governor-general.

Art. 6.—The administration of the country shall be conducted by this council of regency in such manner as may be determined on by themselves in consultation with the British Resident, who shall have full authority to direct and control the duties of every department.

Art. 7.—A British force, of such strength and numbers and in such positions as the Governor-general may think fit, shall remain at Lahore for the protection of the Maharaja and the preservation of the peace of the country.

Art. 8.—The Governor-general shall be at liberty to occupy with British soldiers any fort or military post in the Lahore territories, the occupation of which may be deemed necessary by the British Government for the security of the capital, or for maintaining the peace of the country.

Art. 9.—The Lahore State shall pay to the British Government 22 lacs of new Nanuck Shace rupees, of full tale and weight per annum, for the maintenance of this force, and to meet the expenses incurred by the British Government, such
sum

sum to be paid in two instalments, or 13 lacs, and 20,000 in May or June, and eight lacs and 80,000 in November or December of each year.

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Art. 10.—Inasmuch as it is fitting that her Highness the Maha Ranee, the mother of Maharaja Duleep Sing, should have a proper provision made for the maintenance of herself and dependants, the sum of one lac and 50,000 rupees shall be set apart annually for that purpose, and shall be at her Highness's disposal.

Art. 11.—The provisions of this engagement shall have effect during the minority of his Highness Maharaja Dhuleep Sing, and shall cease and terminate on his Highness's attaining the full age of 16 years, or on the 4th September of the year 1854, but it shall be competent to the Governor-general to cause the arrangement to cease at any period prior to the coming of age of his Highness at which the Governor-general and the Lahore Durbar may be satisfied that the interposition of the British Government is no longer necessary for maintaining the government of his Highness the Maharaja.

This agreement, consisting of eleven articles, was settled and executed at Lahore by the officers and chief Sirdars above named, on the 16th day of December 1846.

(signed)	<i>Tej Sing.</i>	Sirdar <i>Kan Sing.</i>
	<i>Shere Sing.</i>	<i>Shumshere Sing.</i>
	<i>Dewan Deena Nath.</i>	<i>Lal Sing Monareccah.</i>
	<i>Fakeer Nooroodeen.</i>	<i>Rhee Sing.</i>
	<i>Rae Kisher Chund.</i>	<i>Urjan Sing.</i>
	<i>Runjore Sing.</i>	
	<i>Uttur Sing.</i>	<i>F. Currie.</i>
	<i>Bhaee Nidhun Sing.</i>	<i>H. M. Lawrence.</i>

TERMS granted to the Maharajah Duleep Sing Bahadoor, on the part of the Honourable East India Company, by *Henry Meers Elliott*, Esq., Foreign Secretary to the Government of India, and Lieutenant Colonel Sir *Henry Montgomery Lawrence*, K. C. B., Resident, in virtue of full powers vested in them by the Right Honourable *James Earl Dalhousie* Knight of the Most Ancient and Most Noble Order of the Thistle, one of Her Majesty's Most Honourable Privy Council, Governor-general appointed by the Honourable East India Company to direct and control all their Affairs in the East Indies, and accepted on the part of His Highness the Maharajah by Raja *Tej Sing*, Raja *Deena Nath*, *Bhaee Nidhun Sing*, *Fakeer Nooroodeen Gundur Sing*, agent of Sirdar *Shere Sing*, *Sindulwala*, and Sirdar *Lal Sing*, Agent and Son of *Uttur Sing*, *Kaleewalla*, Members of the Council of Regency invested with full powers and authority on the part of His Highness.

1. His Highness the Maharajah Duleep Sing shall resign for himself, his heirs and successors, all right, title, and claim to the sovereignty of the Punjab or to any sovereign power whatever.

2. All the property of the State, of whatever description and wheresoever found, shall be confiscated to the Honourable East India Company, in part payment of the debt due by the State of Lahore to the British Government, and of the expenses of the war.

3. The gem called the Koh-i-Noor, which was taken from Shah Shooja-ool-Moolk by Maharajah Runjeet Sing, shall be surrendered by the Maharajah of Lahore to the Queen of England.

4. His Highness Duleep Sing shall receive from the Honourable East India Company, for the support of himself, his relatives, and the servants of the State, a pension not less than four and not exceeding five lacs of Company's rupees per annum.

5. His Highness shall be treated with respect and honour. He shall retain the title of Maharajah Duleep Sing Bahadoor, and he shall continue to receive during his life such portion of the above-named pension as may be allotted to himself personally,

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LAHORE: personally, provided he shall remain obedient to the British Government, and reside at such places as the Governor-general of India may select.

Granted and accepted at Lahore on the 29th of March 1849, and ratified by the Right Honourable the Governor-general on the 5th of April 1849.

(signed)	<i>Dalhousie.</i>	Maharajah <i>Duleep Sing.</i>
	<i>H. M. Elliott.</i>	Raja <i>Tej Sing.</i>
	<i>H. M. Lawrence.</i>	Raja <i>Deena Nath.</i>
		Fakeer <i>Nooroodeen.</i>
		<i>Bhaee Nidhun Sing.</i>
		<i>Gundur Sing,</i>
		Agent to Sirdar Shere Sing Sindunwala.
		Sirdar <i>Lall Sing,</i>
		Agent and Son of Sirdar Uttur Sing
		Kaleewala.

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TREATY of Commerce between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness Sultan Synd Sneed Bin Sultan, Imaum of Muscat, dated the 31st May 1839.

PREAMBLE.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Sultan of Muscat and its dependencies, being desirous to confirm and strengthen the good understanding which now subsists between them, and to promote, by means of a convention, the commercial intercourse between their respective subjects, and his Highness the Sultan of Muscat being, moreover, desirous to record in a more formal manner the engagements entered into by his Highness on the 10th September 1822 for the perpetual abolition of the slave trade between the dominions of his Highness and all Christian nations, they have accordingly appointed, as their plenipotentiaries, that is to say, Robert Cogan, esq., a captain in the naval service of the East India Company, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c. &c., and Husun Bin Ibrahim and Ali Bin Nasir, on behalf of his Highness the Sultan of Muscat, &c. &c., who, having communicated their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Article 1.—The subjects of his Highness the Sultan of Muscat shall be at liberty to enter, reside in, trade with, and pass with their merchandise through all parts of Her Britannic Majesty's dominions in Europe and in Asia, and shall enjoy in those dominions all the privileges and advantages with respect to commerce or otherwise which are or may be accorded therein to the subjects or citizens of the most favoured nations; and the subjects of Her Britannic Majesty shall, in like manner, have full liberty to enter, reside in, trade with, and pass with their merchandise through all parts of the dominions of his Highness the Sultan of Muscat, and shall in those dominions enjoy all the privileges and advantages with respect to commerce or otherwise which are or may be accorded therein to the subjects or citizens of the most favoured nations.

Art. 2.—British subjects shall be at liberty to purchase, sell, or hire land or houses in the dominions of his Highness the Sultan of Muscat. The houses, warehouses, or other premises of British subjects, or of persons actually in the service of British subjects, in the dominions of his Highness the Sultan of Muscat, shall not be forcibly entered, nor on any pretext searched, without the consent of the occupier, unless with the cognizance of the British consul or resident agent; but such consul or resident agent, on just cause being adduced by the authorities of his Highness the Sultan of Muscat, shall send a competent person, who, in concert with the officers of his Highness the Sultan of Muscat, shall conduct the search.

search, and shall prevent the use of unnecessary violence, or of improper resistance.

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Art. 3.—The two high contracting parties acknowledge reciprocally to each other the right of appointing consuls to reside in each other's dominions, wherever the interests of commerce may require the presence of such officers; and such consuls shall at all times be placed in the country in which they reside on the footing of the consuls of the most favoured nations. Each of the high contracting parties further agrees to permit his own subjects to be appointed to consular offices by the other contracting party; provided always, that the persons so appointed shall not begin to act without the previous approbation of the sovereign whose subjects they may be.

The public functionaries of either government residing in the dominions of the other shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries.

Art. 4.—Subjects of the dominions of his Highness the Sultan of Muscat, actually in the service of British subjects in those dominions, shall enjoy the same protection which is granted to British subjects themselves; but if such subjects of the dominions of his Highness the Sultan of Muscat shall be convicted of any crime or infraction of the law requiring punishment, they shall be discharged by the British subject in whose service they may be, and shall be delivered over to the authorities of his Highness the Sultan of Muscat.

Art. 5.—The authorities of his Highness the Sultan of Muscat shall not interfere in disputes between British subjects, or between British subjects and the subjects or citizens of other Christian nations. When differences arise between a subject of the dominions of his Highness the Sultan of Muscat and a British subject, if the former is the complainant the cause shall be heard by the British Consul or Resident Agent, who shall administer justice thereupon; but if the British subject is the complainant against any of the subjects of his Highness the Sultan of Muscat, or the subjects of any other Mahomedan power, then the cause shall be decided by the highest authority of his Highness the Sultan of Muscat, or by any person nominated by him; but in such case the cause shall not be proceeded in, except in the presence of the British Consul or Resident Agent, or of some person deputed by one or other of them, who shall attend at the Court-house where such matter shall be tried. In causes between a British subject and a native of the dominions of his Highness the Sultan of Muscat, whether tried before the British Consul or Resident Agent, or before the above-mentioned authority of his Highness the Sultan of Muscat, the evidence of a man proved to have given false testimony on a former occasion shall not be received.

Art. 6.—The property of a British subject who may die in the dominions of his Highness the Sultan of Muscat, or of a subject of his Highness the Sultan of Muscat who may die in the British dominions, shall be delivered over to the heirs or executors or administrators of the deceased, or to the respective Consuls or Resident Agents of the contracting parties, in default of such heirs or executors or administrators.

Art. 7.—If a British subject shall become bankrupt in the dominions of his Highness the Sultan of Muscat, the British Consul or Resident Agent shall take possession of all the property of such bankrupt, and shall give it up to his creditors, to be divided among them. This having been done, the bankrupt shall be entitled to a full discharge from his creditors, and he shall not at any time afterwards be required to make up his deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose; but the British Consul or Resident Agent shall use his endeavours to obtain, for the benefit of the creditors, any property of the bankrupt in another country, and to ascertain that everything possessed by the bankrupt at the time when he became insolvent has been given up without reserve.

Art. 8.—If a subject of his Highness the Sultan of Muscat should resist or evade payment of his just debts to a British subject, the authorities of his Highness shall afford to the British subject every aid and facility in recovering the amount due; and in like manner the British Consul or Resident Agent shall afford

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every aid and facility to subjects of his Highness the Sultan of Muscat in recovering debts justly due to them from a British subject.

Art. 9.—No duty exceeding five per cent. shall be levied at the place of entry in the dominions of his Highness the Sultan of Muscat on any goods the growth, produce, or manufacture of the dominions of Her Britannic Majesty, imported by British vessels, and this duty shall be deemed to be a full payment of all import and export and tonnage duties, of license to trade, of pilotage and anchorage, and of any other charge by Government whatever upon the vessels, or upon the goods so imported or exported; nor shall any charge be made on that part of the cargo which may remain on board unsold, and no additional or higher duty shall be levied on these goods when afterwards transported from one place to another in the dominions of his Highness; but the above-mentioned duty having once been paid, the goods may be sold by wholesale or retail without any further duty. No charge whatever shall be made on British vessels which may enter any of the ports of his Highness for the purpose of refitting or for refreshments, or to inquire about the state of the market.

Art. 10.—No article whatever shall be prohibited from being imported into or exported from the territories of his Highness the Sultan of Muscat; but the trade between the dominions of Her Britannic Majesty and those of his Highness the Sultan of Muscat shall be perfectly free, subject to the above-mentioned duty upon goods imported, and to no other; and his Highness the Sultan of Muscat hereby engages not to permit the establishment of any monopoly or exclusive privilege of sale within his dominions, except in the articles of ivory and gum copal on that part of the East Coast of Africa from the Port of Tangate, situated in about five and a half degrees of south latitude, to the Port of Quiloa, lying in about seven degrees south of the Equator, both ports inclusive; but in all other ports and places in his Highness's dominions there shall be no monopoly whatever, but the subjects of Her Britannic Majesty shall be at liberty to buy and sell with perfect freedom from whomsoever and to whomsoever they choose, subject to no other duty by Government than that before mentioned.

Art. 11.—If any dispute should arise in the dominions of his Highness the Sultan of Muscat as to the value of goods which shall be imported by British merchants, and on which the duty of five per cent. is to be levied, the Custom-master or other authorised officer acting on the part of the Government of his Highness the Sultan of Muscat shall be entitled to demand one-twentieth part of the goods in lieu of the payment of five per cent., and the merchant shall be bound to surrender the twentieth part so demanded, whenever, from the nature of the articles, it may be practicable to do so; but the merchant having done so shall be subject to no further demand on account of customs on the other nineteen-twentieths of those goods in any part of the dominions of his Highness the Sultan of Muscat to which he may transport them; but if the Custom-master should object to levy the duty in the manner aforesaid by taking one-twentieth part of the goods, or if the goods should not admit of being so divided, then the point in dispute shall be referred to two competent persons, one chosen by the Custom-master and the other by the importer, and a valuation of the goods shall be made, and if the referees shall differ in opinion they shall appoint an arbitrator, whose decision shall be final, and the duty shall be levied according to the value thus established.

Art. 12.—It shall not be lawful for any British merchant to expose his goods for sale for the space of three days after the arrival of such goods, unless, before the expiration of such three days, the importer and Custom-master shall have agreed as to the value of such goods. If the Custom-master shall not within three days have accepted one of the two modes proposed for ascertaining the value of the goods, the authorities of his Highness the Sultan of Muscat, on application being made to them to that effect, shall compel the Custom-master to choose one of the two modes by which the amount of the customs to be levied is to be determined.

Art. 13.—If it shall happen that either the Queen of England or his Highness the Sultan of Muscat should be at war with another country, the subjects of Her Britannic Majesty and the subjects of his Highness the Sultan of Muscat shall nevertheless be allowed to pass to such country, through the dominions of either
Power,

Power, with merchandise of every description, except warlike stores; but they shall not be allowed to enter any port or place actually blockaded or besieged.

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Art. 14.—Should a vessel under the British flag enter a port in the dominions of his Highness the Sultan of Muscat in distress, the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage; and if any such vessel should be wrecked on the coast of the dominions of his Highness the Sultan of Muscat, the authorities of his Highness shall give all the assistance in their power to recover and to deliver over to the owners all the property that can be saved from such vessel. The same assistance and protection shall be afforded to vessels of the dominions of his Highness the Sultan of Muscat, and property saved therefrom under similar circumstances, in the ports and on the coasts of the British dominions.

Art. 15.—His Highness the Sultan of Muscat hereby renews and confirms the engagements entered into by his Highness with Great Britain on the 10th September 1822, for the entire suppression of the slave trade between his dominions and all Christian countries; and his Highness further engages that the ships and vessels of war belonging to the East India Company shall be allowed to give full force and effect to the stipulations of the said treaty, agreeably with the conditions prescribed therein, and in the same manner as the ships and vessels of Her Britannic Majesty.

Art. 16.—It is further acknowledged and declared by the high contracting parties, that nothing in this convention is in any way intended to interfere with or rescind any of the rights or privileges now enjoyed by the subjects of his Highness the Sultan of Muscat in respect to commerce and navigation within the limits of the East India Company's Charter.

Art. 17.—The present convention shall be ratified, and the ratifications thereof shall be exchanged at Muscat or Zanzibar as soon as possible, and in any case within the space of 15 months from the date hereof.

Done on the island and at the town of Zanzibar, this 31st day of May in the year of Christ 1831 (corresponding with the 17th of the month Roobee-ool-awul of the Hijree 1255).

(signed) *R. Cogan.*

(Seal of Captain
Cogan.)

(Seal of His Highness
the Imaum of Muscat.)

(signed) *Husun Ein Ibrahim.*

(signed) *Ali Bin Nasir.*

ON the 17th December 1839, His Royal Highness the Imaum of Muscat consented to the three following Articles being added to the Treaty for the suppression of the Slave Trade, concluded by His Highness with Captain Moresby in September 1822.

I agree that the following Articles be added to the above Treaty concluded by Captain Moresby on the aforesaid date:

1. That the Government cruizers whenever they may meet vessels belonging to my subjects beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the Island of Socotra, and ending at Pussem, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.

2. Should it on examination be found that any vessel belonging to my subjects is carrying slaves, whether men, women or children, for sale, beyond the aforesaid line, then the government cruizers shall seize and confiscate such vessel and her cargo. But if the said vessel shall pass beyond the aforesaid line, owing to stress of weather or other case of necessity not under control, then she shall not be seized.

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3. As the selling of males and females, whether grown up or young, who are "hoor" or free, is contrary to the Mahomedan religion; and whereas the Soomalers are included in the "hoor" or free, I do hereby agree that the sale of males and females, whether young or old, of the Soomaler Tribe, shall be considered as piracy, and that four months from this date, all those of my people convicted of being concerned in such an act shall be punished as pirates.

Dated 10th Shuval 1255 A.H. (corresponding with the 17th December 1839, A.D.)

(Seal of His Highness the Imaum of Muscat.)

(True Translation.)

(signed) S. Hennell,
Resident, Persian Gulf.

TRANSLATION of a Note from His Highness the Imaum of Muscat to
Captain *Hennell*, dated 22d July 1840.

A. C.

I HAVE the honour to intimate to you that I have now appointed my friend, Synd Mahomed Ibin Synd Shuruf, my wakeel, to wait upon you for the purpose of exchanging the ratifications of the treaty. He is my plenipotentiary in this affair.

(signed) *Synd Sneed*.

(Seal of His Highness the Imaum of Muscat.)

(True Translation.)

(signed) S. Hennell,
Resident, Persian Gulf.

DECLARATION made on the part of Her Britannic Majesty on the Exchange of
the Ratification of the preceding Convention.

THE undersigned Samuel Hennell, Esquire, a Captain in the military service of the East India Company, and Resident in the Persian Gulf, appointed on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland to exchange Her Majesty's ratification of the Treaty of Commerce concluded at Zanzibar on the 31st May 1839, by Robert Cogan, Esquire, a Captain in the naval service of the East India Company, on the part of Her said Majesty, and by Husun Bin Ibrahim and Mahabut Ali Bin Nasir on the part of his Highness the Sultan of Muscat, against the ratification of the same Treaty by his Highness the Sultan of Muscat, is commanded by the Queen, in order to avoid any possible misunderstanding as to the meaning of the words contained in the 9th Article of the said Treaty "any other charge by Government whatever," to declare to Synd Mahomed Ibin Synd Shuruf, appointed by His Highness the Sultan of Muscat to exchange His Highness's Ratification, that the aforesaid words are by Her Majesty taken and understood to mean "any other charge whatever made by the Government or by any local authority of the Government."

Muscat, this 22d day of July 1840.

(signed) *S. Hennell*.

(Seal of Captain Hennell.)

(signed) *Synd Mahomed Ibin Synd Shuruf*.

(Seal of Synd Mahomed Ibin Synd Shuruf.)

MUSCAT.

THE following Counter Declaration was at the same time made on the part of His Highness the Imaum of Muscat by his appointed Agent, Synd Mahomed Ibin Synd Shuruf.

THE undersigned Synd Mahomed Ibin Synd Shuruf, appointed by his Highness the Sultan of Muscat to exchange his Highness's ratifications of the Treaty of Commerce concluded at Zanzibar on the 31st of May 1839 by Robert Cogan, Esq., a Captain of the naval service of the East India Company, on the part of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by Husun Bin Ibrahim and Mahabut Ali Bin Nasir on the part of his Highness the Sultan of Muscat, against the ratification of the same Treaty by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having received from Samuel Hennell, Esq., a Captain in the military service of the East India Company, and Resident in the Persian Gulf, appointed to act in this matter on behalf of Her said Majesty, a declaration stating that, in order to avoid any possible misunderstanding as to the meaning of the words "any other charge by Government whatever," contained in the 9th Article of the said Treaty, the aforesaid words are by Her Majesty taken and understood to mean "any other charge whatever made by the Government or by any local authority of the Government," the undersigned Synd Mahomed Ibin Synd Shuruf, being duly authorised by his Highness the Sultan of Muscat, hereby accepts and adopts the said declaration, in the name and on the behalf of his Highness the Sultan of Muscat.

Muscat, this 22d day of July 1840.

(signed) *Synd Mahomed Ibin Synd Shuruf.*
(Seal of Synd Mahomed Ibin Synd Shuruf.)

THE undersigned having met together for the purpose of exchanging the ratifications of a treaty of commerce between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and his Highness the Sultan of Muscat, concluded and signed at Zanzibar on the 31st day of May 1839, and the respective ratifications of the said instrument having been carefully perused, the said exchange took place this day in the usual form.

In witness whereof they have signed the present certificate of exchanges, and have affixed thereto their respective seals.

Done at Muscat the 22d day of July 1840.

(signed) *Synd Mahomed Ibin Synd Shuruf.*
(Seal of Synd Mahomed Ibin Synd Shuruf.)

(signed) *S. Hennell.*
(Seal of Captain Hennell.)

TRANSLATION of the Ratification of His Highness the Imaum of Muscat to the foregoing Treaty of Commerce.

WE, having duly considered the treaty above drawn out, have approved, accepted, and confirmed the several articles and clauses therein set forth, and by this document do hereby approve, accept, and confirm the same for ourselves, our heirs and successors: accordingly we do by our word promise and engage sincerely and faithfully to perform, all and every thing set forth and contained in the aforesaid treaty; and further, that to the utmost of our power we will allow no one to violate or infringe this engagement in any way whatsoever. In witness whereof we have directed our seal to be affixed to this document, which we have signed

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with our hand in this our Port of Muscat this 22d day of Jumadee-ool-awul A.H. 1256 (according to 22d July 1840 of the Christian era).

(signed) *Synd Sneed.*

(Seal of his Highness the Imaum of Muscat.)

(True Translation.)

(signed) S. Hennell,
Resident in the Persian Gulf.

FURTHER AGREEMENT concluded at Zanzibar with His Highness the Imaum of Muscat on the 2d October 1845, by Captain *Atkins Hamerton* of the 15th Regiment, Bombay N. I., on behalf of Her Britannic Majesty, for the Suppression, from and after the 1st January 1847, of the Exportation of Slaves from His Highness's African Dominions.

AGREEMENT between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and his Highness *Synd Sneed Bin Sultan*, the Sultan of Muscat, for the termination of the export of slaves from the African dominions of his Highness the Sultan of Muscat.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being earnestly desirous that the export of slaves from the African dominions of his Highness the Sultan of Muscat should cease, and his Highness the Sultan of Muscat, in deference to the wishes of Her Majesty and of the British nation, and in furtherance of the dictates of humanity which have heretofore induced him to enter into engagements with Great Britain to restrict the export of slaves from his dominions, being willing to put an end to that trade, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and his Highness the Sultan of Muscat having resolved to record with due form and solemnity this further restriction of the export of slaves, and Her Majesty having given due authority to Captain *Hamerton*, Her representative at the Court of the Sultan of Muscat, to conclude an agreement with his Highness accordingly, his Highness *Synd Sneed Bin Sultan* for himself, his heirs and successors, and Captain *Hamerton*, on behalf of the Queen of the United Kingdom of Great Britain and Ireland, Her heirs and successors, have agreed upon and concluded the following Articles :

Article 1.—His Highness the Sultan of Muscat hereby engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his officers to prevent and suppress such trade.

Art. 2.—His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the chiefs of Arabia, the Red Sea and the Persian Gulf, in like manner to prevent the introduction of slaves from Africa into their respective territories.

Art. 3.—His Highness the Sultan of Muscat grants to the ships of Her Majesty's navy, as well as to those of the East India Company, permission to seize and confiscate any vessels the property of his Highness, or of his subjects, carrying on slave trade, excepting only such as are engaged in the transport of slaves from one port to another of his own dominions in Africa between the Port of Lamoo to the north and its dependencies, the northern limit of which is the north point of Kaghoo Island, 1° 57' (one degree and fifty-seven minutes) south latitude, and the Port of Keelwa to the south, and its dependencies, the southern limit of which is the Songa Munara or Pagoda Point, 9° 2' (nine degrees and two minutes) south latitude, including the Island of Zanzibar, Pemba, and Monfea.

Art. 4.—This agreement to commence and have effect from the 1st day of January 1847 (one thousand eight hundred and forty-seven) of the year of Christ,
and

and the 15th day of the month of Mohurram 1263 (twelve hundred and sixty-three of the Hijree.

MUSCAT.

Done at Zanzibar, this 2d (second) day of October 1845 (one thousand eight hundred and forty-five) of the year of Christ, and 29th day of Rumgan 1261 (twelve hundred and sixty-one) of the Hijree.

(signed) *Synd Sneed,*
(Seal of his Highness the Imaum of Muscat.)

On behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Her heirs and successors.

(signed) *Atkins Hamerton, Captain.*
(Seal of Captain Hamerton.)

Memorandum.—On the 5th September 1848 an Act was passed by the Parliament of Great Britain for giving effect to the provisions of the above treaty. *Vide Act, "Cap. CXXVIII. Anno Undecimo et Duodecimo Victoriae Reginae."*

RULES established by His Highness the Imaum of Muscat in April 1846 in regard to the Duties to be hereafter charged on the Cargoes of Vessels putting into His Highness's Ports.

IN a letter dated the 13th April 1846, Captain Atkins Hamerton, Her Majesty's Consul and Honourable Company's Agent in the dominions of his Highness the Imaum of Muscat, reported that his Highness the Imaum of Muscat had ordered the following rules to be henceforth observed in regard to the landing or transhipment of the cargoes of vessels putting into Muscat or into any of his Highness's other ports:—

1. That the full duty of five per cent. shall be levied on all articles transhipped from one vessel into another in all the ports and harbours belonging to his Highness the Imaum.
2. That a vessel of any nation being obliged to put into any of his Highness's ports through stress of weather, or for the purpose of refit, shall not be required to pay duty on any part of her cargo which may be landed and stored during the repair of the vessel, provided it be re-embarked in her.
3. That no duty shall, under any circumstances whatever, be levied on stores the property of the British Government when landed at any of his Highness's ports.

N E P A U L.

NEPAUL.

TREATY between the Honourable East India Company and his Highness Maharajah Dheraj Soorinder Vickram Sah Bahadoor Shumshere Jung Rajah of Nepal, settled and concluded on the one part by Major *George Ramsay*, Resident at the Court of his Highness, by virtue of full powers to that effect vested in him by the Most Noble *James Andrew* Marquis of *Dalhousie*, Knight of the Most Ancient and Most Noble Order of the Thistle, one of Her Majesty's Most Honourable Privy Council, and Governor-general appointed by the Honourable Company to direct and control all their affairs in the East Indies; and, on the other part, by General Jung Bahadoor Koonwar Ranajee, Prime Minister of Nepaul, in the name and on behalf of Maharajah Dheeraj Soorinder Vikram Sah Bahadoor Shumshere Jung, Rajah of Nepal, in virtue of the powers to that effect vested in him by the said Rajah of Nepal.

Article 1.—The two Governments hereby agree to act upon a system of strict reciprocity, as hereinafter mentioned.

Art. 2.—Neither Government shall be bound, in any case, to surrender any person not being a subject of the Government making the requisition

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NEPAUL.

Art. 3.—Neither Government shall be bound to deliver up debtors or civil offenders, or any person charged with any offence not specified in Article 4.

Art. 4.—Subject to the above limitations, any person who shall be charged with having committed, within the territories of the Government making the requisition, any of the undermentioned offences, and who shall be found within the territories of the other, shall be surrendered: the offences are, murder, attempt to murder, rape, maiming, thuggee, dacoity, highway robbery, poisoning, burglary, and arson.

Art. 5.—In no case shall either Government be bound to surrender any person accused of an offence, except upon requisition duly made by or by the authority of the Government within whose territories the offence shall be charged to have been committed, and also upon such evidence of criminality as, according to the laws of the country in which the person accused shall be found, would justify his apprehension and sustain the charge, if the offence had been there committed.

Art. 6.—If any person attached to the British Residency, or living within the Residency boundaries, not being a subject of the Nepalese Government, commit, in any part of the Nepalese territories beyond the Residency boundaries, an offence which would render him liable to punishment by the Nepalese courts, he shall be apprehended and made over to the British Resident for trial and punishment; but subjects of the Nepal State, under similar circumstances, are not to be given up by the Nepalese Government for punishment. Should any Hindoostanee merchants, or other subjects of the Honourable Company, not attached to the British Residency, who may be living within the Nepal territories, commit any crimes beyond the Residency boundaries, whereby they may render themselves liable to punishment by the Nepalese courts, and take refuge within the limits of the Residency, they shall not be allowed an asylum, but will be given up to the Nepal Government for trial and punishment.

Art. 7.—The expenses of any apprehension, detention, or surrender, made in virtue of the foregoing stipulations, shall be borne and defrayed by the Government making the requisition.

Art. 8.—The above treaty shall continue in force until either one or the other of the high contracting parties shall give notice to the other of its wish to terminate it, and no longer.

Art. 9.—Nothing herein contained shall be deemed to affect any treaty now existing between the high contracting parties, except so far as any such treaty may be repugnant thereto.

This treaty, consisting of nine Articles, being this day concluded and settled by Major George Ramsay, on behalf of the Honourable East India Company, with Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, Major Ramsay has delivered one version thereof in English, Perbutteeah and Oordoo, signed and sealed by himself, to the Maharajah, who, on his part, has also delivered one copy of the same to Major Ramsay, duly executed by his Highness; and Major Ramsay hereby engages to deliver a copy of the same to his Highness the Maharajah, duly ratified by the Governor-general in Council, within 60 days from this date.

Signed, sealed, and exchanged at Khatmandoo Nepal, this 10th day of February, A. D. 1855, corresponding to the 8th day of Falgoon, Sumvut 1911.

(signed) *G. Ramsay*, Major, (L.S.),
Resident at the Court of Nepal.

(signed) *J. Dorin.* (L.S.)
J. P. Grant. (L.S.)
B. Peacock. (L.S.)

Ratified by the Honourable the President of the Council of India in Council, at Fort William, in Bengal, this 23d day of February 1855.

(signed) *Cecil Beadon*,
Secretary to the Government of India.

N I Z A M.

NIZAM.

TREATY between the Honourable the English East India Company and His Highness the Nawab Nizam-ul-Mulk Asoph Jah Bahadur, settled by Colonel *J. Low*, c.b., Resident at the Court of His Highness, by virtue of full powers to that effect vested in him by the Most Noble *James Andrew Marquis of Dalhousie*, Knight of the Most Ancient and Most Noble Order of the Thistle, one of Her Majesty's Most Honourable Privy Council and Governor-General, appointed by the Honourable Company to direct and control all their Affairs in the East Indies.

WHEREAS friendship and union have subsisted for a length of time between the Honourable East India Company and his Highness the Nawab Nizam-ul-Mulk Asoph Jah Bahadur, and have been cemented and strengthened by treaties of general defence and protection: and whereas, in the lapse of time, many changes in the condition of Princes and neighbouring States have taken place, by reason of which it has now become expedient to revise the military arrangements that were formerly agreed upon for the fulfilment of the said treaties: and whereas differences and discussions have for some time existed between the contracting parties, regarding the adjustment of charges connected with portions of the military arrangements subsisting between the States: and whereas it is fit and proper, and for the mutual advantage of both Powers, that such differences should now be finally settled, and that the recurrence of such discussions which tend to disturb the friendship and harmony of the contracting parties, should effectually be prevented; wherefore, the Honourable East India Company and his Highness the Nawab Nizam-ul-Mulk Asoph Jah Bahadur have agreed upon the following Articles of a Treaty between the States:

Article 1.—The peace, union, and friendship so long subsisting between the Honourable East India Company and his Highness the Nawab Nizam-ul-Mulk Asoph Jah Bahadur, shall be perpetual; the friends and enemies of either shall be the friends and enemies of both; and the contracting parties agree that all the former treaties and agreements between the two States now in force, and not contrary to the tenor of this engagement, shall be confirmed by it.

Art. 2.—The subsidiary force which for general defence and protection has been furnished by the Honourable East India Company to his Highness the Nizam, shall be continued, and shall consist, as heretofore, of not less than eight battalions of sepoys, and two regiments of cavalry, with their requisite complement of guns and European artillerymen, fully equipped with warlike stores and ammunition. Unless with the express consent of his Highness, there shall never be less than five regiments of infantry and one of cavalry (with a due proportion of artillery), of the said subsidiary force, stationed within the territories of his Highness; and the residue of such subsidiary force shall at all times be brought into his Highness's territories without delay, on his Highness making requisition therefor. The said subsidiary force shall be employed, when required, to execute services of importance, such as protecting the person of his Highness, his heirs and successors, and reducing to obedience all rebels and excitors of disturbance in his Highness's dominions; but it is not to be employed on trifling occasions; or, like sebundy, to be stationed in the country to collect revenue.

Art. 3.—The Honourable East India Company further agrees, that in lieu of his Highness's present contingent, it shall maintain for his Highness, his heirs and successors, an auxiliary force, which shall be styled the "Hyderabad Contingent," according to the provisions for the maintenance of that force which are detailed in the 6th Article of this treaty.

It shall consist of not less than 5,000 infantry and 2,000 cavalry, with four field batteries of artillery. It shall be commanded by British officers, fully equipped and disciplined, and controlled by the British Government through its representative the Resident at Hyderabad.

Whensoever the services of the said contingent may be required, they shall be afforded at all times to his Highness the Nizam, fully and promptly, throughout his whole dominions. If rebellion or disturbance shall be excited, or if the just claims and authority of his Highness shall be resisted, the said contingent, after the reality of the offence shall have been duly ascertained, shall be employed to reduce the offenders to submission.

NIZAM.

Art. 4.—As the interests of the two States have long been identified, it is further mutually agreed, that if disturbances shall break out in districts belonging to the Honourable the East India Company, his Highness the Nizam shall permit such portions of the subsidiary force as may be requisite to be employed in quelling the same within the said districts. In like manner, if disturbances shall break out in any part of his Highness's dominions contiguous to the territories of the Honourable East India Company, to which it might be inconvenient, owing to the distance from Hyderabad, to detach any portion of the subsidiary force, the British Government, if required by his Highness the Nizam, shall direct such portions of its troops as may be most available to assist in quelling the disturbances within his Highness's dominions.

Art. 5.—In the event of war, his Highness the Nizam engages that the subsidiary force, joined by the Hyderabad Contingent, shall be employed in such manner as the British Government may consider best calculated for the purpose of opposing the enemy; provided that two battalions of sepoys shall always remain, as settled by former treaties, near to the capital of Hyderabad; and it is also hereby agreed that, excepting the said subsidiary and contingent forces, his Highness shall not, under any circumstances, be called upon to furnish any other troops whatsoever.

Art. 6.—For the purpose of providing the regular monthly payment of the said contingent troops, and payment of Appah Dessaye's choute, and the allowances to Mohiput Ram's family, and to certain Mahatta pensioners, as guaranteed in the 10th Article of the Treaty of 1822, and also for payment of the interest at six per cent. per annum of the debt due to the Honourable Company, so long as the principal of that debt shall remain unpaid, which debt now amounts to about 50 lacs of Hyderabad rupees, the Nizam hereby agrees to assign the districts mentioned in the accompanying Schedule, marked (A), yielding an annual gross revenue of about 50 lacs of rupees, to the exclusive management of the British Resident for the time being at Hyderabad, and to such other officers acting under his orders as may from time to time be appointed by the Government of India to the charge of those districts.

Art. 7.—By the 12th article of the Treaty of 1800, the British Government can, in time of war, call upon that of his Highness the Nizam to furnish 9,000 cavalry and 6,000 infantry to accompany the British troops in the field. The present Hyderabad Contingent, which is to be maintained at all times (whether in peace or war), is accepted as an equivalent for the larger body of troops above specified to be furnished in time of war; and it is accordingly hereby declared that the Nizam shall not be called upon at any time by the British Government to furnish any other troops but those of the subsidiary force and the Hyderabad Contingent; and that part of the 12th Article of the Treaty of 1800, which requires the Nizam to furnish 9,000 cavalry and 6,000 infantry, is accordingly hereby annulled.

Art. 8.—The districts mentioned in Schedule (A.) are to be transferred to Colonel Low, c.b., the Resident, immediately that the ratified treaty shall be received from Calcutta; and that officer engages, on the part of the British Government, that the Resident at the Court of Hyderabad for the time being shall always render true and faithful accounts, every year, to the Nizam of the receipts and disbursements connected with the said districts, and make over any surplus revenue that may exist to his Highness, after the payment of the contingent and the other items detailed in Article 6 of this Treaty.

Art. 9.—This treaty, consisting of Nine Articles, being this day concluded and settled by Colonel John Low, c.b., on behalf of the Honourable the English East India Company, with the Nawab Nizam-ul-Mulk Asoph Jah Bahadur, Colonel Low has delivered one version thereof in English and Persian, signed and sealed by himself, to the Nawab, who on his part has also delivered one copy of the same to Colonel Low, duly executed by his Highness; and Colonel Low hereby engages to deliver a copy of the same to his Highness the Nizam, duly ratified by the Governor-general in Council, within 30 days from this date.

Signed, sealed, and exchanged at Hyderabad, 21st May, A. D. 1853
(12 Shabun, A. H. 1269).

(signed) J. Low, Colonel,
Resident at Hyderabad.

(A.)

SCHEDULE of DISTRICTS in Berar, the Raichore Doab, and Borders of the Sholapoor and Ahmednuggur Collectorates, Bombay Presidency, transferred to the Management of the British Resident at Hyderabad, agreeably to the Provisions of Article VI. of the Treaty of 1853 (Fuslee 1263), entered into by the Honourable East India Company with his Highness the Nizam.

THE districts in Berar transferred to British management are those lying to the north of the range of hills which extends from Adjuntah, on the west, to Woon, near the Wurdah, on the east. Any villages not named underneath, within the above-mentioned boundary, will be included hereafter among those transferred to the management of the British Resident at Hyderabad.

Pergunnah :	Rs.	Pergunnah :	Rs.
Akola - - - -	1,24,944	Kolapoor - - - -	33,807
Dheanda - - - -	1,33,844	Thullagaom - - - -	21,173
Barragaom - - - -	17,381	Tiktab - - - -	3,500
Thoogaom - - - -	61,425	Lakpoori - - - -	2,401
Kurar - - - -	2,250	Raoja - - - -	1,500
Posud - - - -	17,158	Buroor - - - -	90,394
Argaom - - - -	10,000	Soorli - - - -	2,991
Nursi - - - -	73,129	Unjungaombari - - - -	2,918
Mahore - - - -	14,360	Seaeella, <i>alias</i> Seerala - - - -	7,014
Chicholee - - - -	12,722	Nowsari - - - -	1,036
Larkheir - - - -	4,556	Bukki - - - -	1,468
Yawuk, <i>alias</i> Yawuth Mahal - - - -	2,287	Ellichpoor - - - -	1,00,000
Kullum - - - -	2,510	Kurujgaom - - - -	1,00,000
Chicknee - - - -	2,501	Unjungaom - - - -	1,05,219
Mahagaom - - - -	11,370	Dharoor - - - -	20,000
Nargaom - - - -	975	Akoli - - - -	*6,500
Ralagaom - - - -	8,750	Bulgaom - - - -	*5,000
Pandur Koura - - - -	2,000	Budneira Gungae - - - -	59,843
Boxhi Kheir - - - -	2,000	Punchgawun - - - -	30,371
Wunmaidi - - - -	28,033	Salood - - - -	23,912
Numba - - - -	12,000	Papoo, <i>alias</i> Papul - - - -	7,911
Boodnarapooljee - - - -	32,068	Punj Mahagaom - - - -	51,921
Boomki - - - -	2,702	Reithpoor - - - -	61,710
Damodi, <i>alias</i> Damori - - - -	18,923	Chinchona - - - -	11,139
Gooboo - - - -	6,000	Khed Belloora - - - -	14,910
Bowenber - - - -	*14,000	Seona - - - -	14,820
Julka - - - -	*3,000	Banoda - - - -	17,855
Seralla - - - -	10,000	Bath Kolee - - - -	38,596
Poosda - - - -	*5,000	Pathrote - - - -	1,37,932
Urgaon (Small) - - - -	1,500	Malkeera - - - -	10,871
Akote - - - -	77,000	Pullas Keira - - - -	10,011
Urgaon - - - -	1,25,000	Sawurgaon Taklee - - - -	2,500
Julgaon - - - -	97,000	Neer Pursoo Pundet - - - -	8,360
Jamodi - - - -	35,155	Nandgaom Cazee - - - -	13,263
Morsi - - - -	36,000	Devicota - - - -	3,226
Palla - - - -	3,000	Damnuko - - - -	2,899
Malghat - - - -	15,000	Parsoli - - - -	2,200
Dhoolghat - - - -	2,401	Manjur Keir - - - -	8,525
Soongaom - - - -	7,500	Oomrawuttee Ranee - - - -	4,665
Moongram - - - -	1,500	Hewer Keir - - - -	22,601
Juroor - - - -	9,000	Amnair - - - -	6,855
Karlah - - - -	8,020	Serusgaon - - - -	19,189
Bhil Keira - - - -	2,563	Danapoor - - - -	75,000
Oomrawuttee - - - -	58,442	Mana - - - -	22,000
Rathore Shaik Baboo - - - -	15,881	Girowli - - - -	10,000
Barsee Taklee - - - -	12,076	Koorum - - - -	18,000
Babun - - - -	3,881	Mortizapoor - - - -	45,000
Nandgaon - - - -	18,592	Mungalore Peer - - - -	40,000
Pathooda - - - -	24,001	Koora - - - -	45,000
Penjur - - - -	16,682	Mungaloree Dustigeer - - - -	12,000
Peepulgaon Raja - - - -	37,946	Kusbeo Korum Keir, &c. - - - -	8,708
Buneira Bebee - - - -	37,759	Dhumej, &c. - - - -	5,320

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NIZAM.

Pergunnah :	Rs.	Pergunnah :	Rs.
Ussalgaom - - - -	10,105	Devulghat - - - -	17,955
Akote - - - -	9,000	Dharsangvi - - - -	6,159
Balapoor - - - -	2,41,275	Darea - - - -	17,436
Mulkepoor - - - -	51,319	Karinja Bebee - - - -	23,535
Raichore - - - -	2,499	Kari Dhamini - - - -	14,297
Rajoor - - - -	3,742	Kamurgaon - - - -	2,230
Rohin Kheir - - - -	2,491		
Chandore - - - -	20,727	TOTAL - - - Rs.	30,95,309
Nandoora - - - -	9,846	Deduct amount of Personal Jageers - - - }	35,000
Nundgaon - - - -	3,736		
Jeypore - - - -	4,146	TOTAL - - - Rs.	30,60,309
Koleli - - - -	990		

The above amount is exclusive of deh sadur, russooms muktahs, yeomeas, enams, and all charitable allowances hitherto held, which will only be paid to the several claimants after they have established their rights by the production of proper sunuds, or other official documents acknowledged to be correct by the Nizam's government.

DISTRICTS in the Raichore Doab, transferred to the Management of the British Resident, the Boundaries of which are the Rivers Kishna and Toombuddra, on the North, South, and East, and the Honourable Company's Frontier, belonging to the Bombay Presidency, on the West.

(Any talooks or villages not named underneath within the above-mentioned boundary will be included hereafter among those transferred to the management of the British Resident at Hyderabad.)

	Rs.
Pergunna Deodroog, &c., and the talook of Kadloor, &c. - - - -	1,07,872
The Gudwal Peshcush - - - -	1,15,000
Pergunna Huvelee, Rachore, and Mahalat - - - -	3,95,380
Pergunna Kanegheri, &c., and Gooboor and Tharanah - - - -	2,22,280
Pergunnah Kopal, &c. - - - -	1,84,887
Pergunna Moodkee and Moodgul - - - -	59,063
Pergunnah Gungawuttee - - - -	66,860
TOTAL - - - Rs.	11,51,342

No claims in these districts will be allowed for personal jageers, hitherto held, till the rights to the same shall have been established by the production of proper sunuds, or other official documents, acknowledged to be correct by the Nizam's Government.

The above rule is also applicable to russooms, muktahs, yeomeas, enams, and all charitable allowances.

DISTRICTS on his Highness's Western Frontier, bordering on the Honourable Company's Bombay Collectorates of Ahmednuggur and Sholapore.

1. THE 16 villages in the Beer District, on the boundaries of the Jamkhair Talooq, in the Honourable Company's territory ; viz.—

REVENUE.

	Rs. a. p.		Rs. a. p.
Karagaon - - - -	902 11 3	Seerapoor Dhomulla - -	1,417 15 -
Kutola - - - -	773 14 6	Bhateli - - - -	1,452 3 9
Koptee - - - -	574 5 6	Bawee - - - -	505 - -
Bhubkul - - - -	740 5 6	Jam - - - -	292 - -
Moralah - - - -	1,595 13 -	Vernee - - - -	624 3 -
Mandah - - - -	374 7 -	Madmapore - - - -	232 10 -
Warjur - - - -	1,189 - -	Vadolee - - - -	436 11 -
Roopoor - - - -	104 8 6		
Kotun - - - -	1,965 4 -	TOTAL - - - Rs.	13,181 - -

2. All

NIZAM.

2. All the villages in the districts of

Katee,	Kullum,	Lohara,
Maidee,	Latoor,	Gunjotee,
Feramdah,	Nuldroog,	Alund, and
Daraseo,	Tooljapoor,	Afzulpore;
Bhoom,		

and which districts are within the boundaries on the north and east of the Manjera, on the west of the Honourable Company's territory, in the Ahmednuggur and Sholapore Collecto- rates of the Bombay Presidency, on the south of the Bheema, and on the east in as direct a line as can possibly be drawn between the town of Nittoor, on the Manjeera, and Ufzalpore, on the Bheema, yielding a gross revenue of about eight lacs of rupees per annum, exclusive of personal jageers, yeomeeas, russooms, and charitable allowances.

No claims on these districts will be allowed for personal jageers, hitherto held, till the rights to the same shall have been established, by the production of proper sumnuuds or other official documents acknowledged to be correct by the Nizam's Government.

The above rule is also applicable to russooms, yeomeeas, enams, and all charitable allow- ances.

THE TALOOQS detailed hereafter belonging to Surf-i-Kass and the Noblemen mentioned underneath, will be left to the Revenue Management of the Officers appointed for that purpose by the Hyderabad Government.

BERAR.

Surf-i-Kass Talooqas :	Rs.	Jageer Talooqs belonging to Siraj-ul-Mulk Bahadur :	Rs.
Budneira Gungaier - -	59,843	Dhurreeapore - - -	75,000
Punchgohan - - -	30,371	Mana - - -	22,000
Salood - - -	23,912	Garowlee - - -	10,000
Papoo, alias Papul - -	7,911	Koorum - - -	18,000
Punj Mahagaom - -	51,921	Moortizapoor - - -	45,000
Reithpoor - - -	61,710	Mungalore Dustigeer -	12,000
Chinchona - - -	11,139	Nungalore Peer - -	40,000
Khed Ballora - - -	14,910	Kora - - -	45,000
Seona - - -	14,820		
Banoda - - -	17,855		Rs. 2,67,000
Bath Kolee - - -	38,596		
Patrote - - -	1,37,932	Doab Talooqas belonging to Surf-i-Kass :	
Mal Kheira - - -	10,871	Mooshkee and Moodgul -	59,063
Pullas Keira - - -	10,011		
	Rs. 4,91,802	TOTAL - - -	Rs. 8,17,865

TALOOQAS on the West of his Highness the Nizam's Territories, bordering on the Collectorates of Ahmednuggur and Sholapore.

Surf-i-Kass ; Villages in the Lohara Talooq.
Ditto - - Gunjotee Talooq.
Ditto - - Allund Talooq.
Shums-ul-Umra Bahadur's Talooq of Ufzulpore.

Hyderabad,
21 May 1853.

(signed) J. Low, Colonel,
Resident at Hyderabad.

[Note.—A copy of the original document, written in Persian, is deposited, for purposes of reference, in the Library of the House of Commons.]

PAHLUNPOOR.

PAHLUNPOOR.

AGREEMENT for the Suppression of Infanticide, concluded on the 18th June and 15th August 1853.

AGREEMENT entered into by the Jhareja Chiefs of Santulpoor and Charchut, with Major *J. R. Keily*, Political Superintendent of Pahlunpoor, for the Suppression of the Crime of Female Infanticide within their Districts, dated the 18th June and the 15th August 1853.

THE honourable the Court of Directors having remarked, that since the year 1846, the females of the Jhareja tribe under 20 years of age continue to be much less in number than those of the male sex under that age, and required information on this subject; and we having been requested by you to enter into an engagement, for the purpose of saving our female children, similar to the engagement entered into by the Jam of Nowanuggur, on the 25th of February 1812 ;

We write to say, that we well know that it is a great sin to kill an infant, and that the murderer thereof will go to the deepest hell ; for so it is written in the Shastur. This we know ; moreover, the Sikar has sent us books on the subject of infanticide, in which there are many quotations from the Shastur, to the effect that there is no sin equal to killing a female infant. No one, therefore, should be guilty of this sin, but should save his infant daughter. This is true religion ; and we, therefore, willingly agree to the following arrangements for the preservation of our infant daughters, which are to be binding on us for ever, viz. :

1. Every Jhareja living in Santulpoor and Charchut, to whom a daughter may be born, shall immediately give information to the karkoon belonging to his district, who will enter the child in the list kept by him from which the yearly returns are framed. The number of births which have occurred during the year will with ease be ascertained by these means.

2. In the event of any Jhareja's daughter dying, information is to be given to the karkoon in charge of the district, who will make every proper inquiry into the cause of the death, and enter the cause of death in the list.

3. Should any female infant of tender age die, its body is to be shown to four (4) of the most respectable people of the village, but of different castes, and the cause of the death must be ascertained as far as possible, and stated in the proceedings of the inquest, which must be sent to the government karkoon, after which the body may be buried. Without this precaution the body must not be buried. No Jharejas are to be allowed to assemble on the punchayut.

4. Should any Jhareja's infant daughter fall ill, information must be given to the government district karkoon, and the cause of the illness mentioned to the karkoon, that it may be noted by him in his list.

5. In the event of any female infant dying, and being buried without acquainting the government karkoon, and assembling a punchayut to ascertain the cause of its death, then the party guilty of the infringement of this agreement shall submit to such punishment as government may decide.

6. As above written we will abide, and make no dispute hercon. Whoever shall offend, and plead ignorance of the above engagement as an excuse to escape punishment, he must not be listened to, as all have been made well acquainted with the contents of this engagement.

7. In the event of the government karkoon being engaged in other business elsewhere, and unable to attend, then the chief of the horse-men on the Thana will be consulted, and everything arranged through him.

In this way we have of our free will and consent, and being in possession of all our faculties, entered into the above engagement ; and we have given, as perpetual security

security for the due fulfilment of the above writing, the under-mentioned ; viz., PAHLUNPOOR.
 Barote Putto Sut Meta wulud Jusa, Swamees Ruttonghur Sut Manghur, Tejghur
 wulud Mullooghur, Gudvee Hureesing Sut Umra wulud Veerma, Bramins Pachaw
 wulud Kana, Gora wulud Kana, Gudvee Poonja Sut Rabeer wulud Davaet,
 Bramin Nanjee wulud Muga, Purmar Run Mull wulud Kesurjee, Waghela
 Veerum wulud Mala, Bramin Gunga Ram wulud Roora, Bramin Bhakur wulud
 Jewna, Bramin Jetha wulud Dana, Swamee Gungaghur wulud Manghur, and
 Kapree Shamut wulud Ram Sing.

NAMES of JHAREJAS and VILLAGES.				NAMES of SECURITY.
<i>Santulpoor.</i>				We do hereby state, that we shall abide, and cause the Jharejas to abide also, by the above writing, and we ourselves shall be answerable for it.
1. (signed)	Shamut Sing wulud Kullian Sing	-	-	- - Barote Puthoo Sut Meta wulud Jusa, of Santulpoor.
2. "	Nathajee wulud Hajajee	-	-	
3. "	Purtapsing wulud Bavajee	-	-	
4. "	Panchajee wulud Mulloojee	-	-	- - Swamee Rutunghur Sut Manghur and Tejghur wulud Mullooghur, of Jakotra.
5. "	Megrajee wulud Bavajee	-	-	
6. "	Hurbunjee wulud Wursajee	-	-	
7. "	Pragjee	-	-	- - Gudvee Hureesing Sut Umra wulud Veerma, of Charunka.
8. "	Puthojee Jusajee	-	-	
9. "	Veerumjee Hukajee	-	-	
10. "	Nathajee Ragajee	-	-	
11. "	Kesurjee Ladhajee	-	-	
12. "	Dadajee Vunnajee	-	-	
13. "	Dadajee Amrajee	-	-	
14. "	Urjoonjee Govajee	-	-	
15. "	Khetajee Khengarjee	-	-	
16. "	Dajee Khetajee	-	-	
17. "	Bapjee Dujoojee	-	-	
18. "	Koombajee Dujoojee	-	-	
19. "	Pathoojee Nathajee	-	-	
20. "	Adébbhan Nathajee	-	-	
21. "	Soojajee Ramsingjee	-	-	
22. "	Juloojee Dosajee	-	-	- - Bramin Pachan and Gora wulud Kana, of Dantrana.
23. "	Hujajee Pachanjee	-	-	
24. "	Khengarjee Urjoonjee	-	-	
25. "	Veesajee Sujajee	-	-	
26. "	Shamutjee Meghrajee	-	-	
27. "	Halajee Dongurjee	-	-	
28. "	Jésingjee Mesjee	-	-	
29. "	Gopaljee Opajee	-	-	
30. "	Meghrajee Mandunjee	-	-	
31. "	Bowsingjee Puthajee	-	-	
32. "	Purtapsing Merejee	-	-	
33. "	Rajmuljee Kakabhoy	-	-	
<i>Peeprala.</i>				
34. "	Mansingjee wulud Moolvajee	-	-	- - Swamee Rutunghur Sut Manghur and Tejghur wulud Mullooghur, of Jakotra.
35. "	Meghrajee Panchajee	-	-	
36. "	Amrajee Poonjajee	-	-	
37. "	Hureesing Kakajee	-	-	
<i>Modotra.</i>				
38. "	Sugramjee Wukhutsing	-	-	- ditto.
<i>Bakotra.</i>				
39. "	Gorejee Rutunsing	-	-	- ditto.
40. "	Dosajee Ladhajee	-	-	
41. "	Raosingjee Ladhajee	-	-	
42. "	Kesurjee Ladhajee	-	-	
<i>Jakotra.</i>				
43. "	Tejmuljee Dajee	-	-	- ditto.
<i>Charunka.</i>				
44. "	Mulloojee Soojajee	-	-	- - Gudvee Hureesing Sut Umra wulud Veerma, of Charunka.
45. "	Kesurjee Rutunjee	-	-	
46. "	Godurjee Mansingjee	-	-	
47. "	Koombhajee Jusajee	-	-	

76 TREATIES, CONVENTIONS, AND ARRANGEMENTS WITH THE

PAHLUNPOOR.

NAMES of JHAREJAS and VILLAGES.						NAMES of SECURITY.
<i>Dantrana.</i>						
48. (signed)	Vunnajhe Jethajee	-	-	-	-	} - - Bramin Pachan and Gora wulud Kana, of Dantrana.
49. "	Shamutsing Jethajee	-	-	-	-	
<i>Waoana.</i>						
50. "	Morejee Nathajee	-	-	-	-	} - ditto.
51. "	Kesurjee Meroojee	-	-	-	-	
52. "	Pubjee Hameerjee	-	-	-	-	
53. "	Chandajee Humeerjee	-	-	-	-	
54. "	Kanajee Mesjee	-	-	-	-	
55. "	Kakabhoy Meghrajee	-	-	-	-	
56. "	Jetheejee Meghrajee	-	-	-	-	
57. "	Mulloojee Dewajee	-	-	-	-	
58. "	Shamutjee Dewajee	-	-	-	-	
59. "	Dujjoojee Saduljee	-	-	-	-	
<i>Ayewar.</i>						
60. "	Rutunjee Urjoonjee	-	-	-	-	} - ditto.
61. "	Bavajee Bachanjee	-	-	-	-	
<i>Pur.</i>						
62. "	Bhimjee Jewunjee	-	-	-	-	} - ditto.
63. "	Khemajee Kesurjee	-	-	-	-	
64. "	Kullianjee Hurbhumjee	-	-	-	-	
65. "	Meghrajee Hurbhumjee	-	-	-	-	
66. "	Anundsing Nathajee	-	-	-	-	
67. "	Bhojrajee Sublajee	-	-	-	-	
68. "	Dujjoojee Sowajee	-	-	-	-	
69. "	Mandjee Kesheojee	-	-	-	-	
70. "	Mulloojee Roydhunjee	-	-	-	-	
71. "	Jeysingjee Roydhunjee	-	-	-	-	
72. "	Megrajee Rughojee	-	-	-	-	
73. "	Soonduljee Ravuljee	-	-	-	-	
74. "	Jesing Waghjee	-	-	-	-	
75. "	Gojjoojee Munorejee	-	-	-	-	
76. "	Chandajee Sahebjee	-	-	-	-	
<i>Babra.</i>						
77. "	Renajee Khetajee	-	-	-	-	} - - Gudvee Poonja Sut Raj- veer wulud Davaet, of Babra.
78. "	Mulloojee Khetajee	-	-	-	-	
79. "	Bhugoojee Dujjoojee	-	-	-	-	
80. "	Rutunjee Jesingjee	-	-	-	-	
81. "	Bawajee Jugajee	-	-	-	-	
82. "	Dajee Umrajee	-	-	-	-	
83. "	Hajajee Halajee	-	-	-	-	
84. "	Khemajee Kesurjee	-	-	-	-	
85. "	Bhojrajee Dulajee	-	-	-	-	
86. "	Wursajee Waghjee	-	-	-	-	
<i>Bawurda.</i>						
87. "	Desurjee Roymuljee	-	-	-	-	- ditto.
<i>Sonet.</i>						
88. "	Amurjee Purtapsing	-	-	-	-	} - - Bramin Nanjee wulud Mugga, of Sonet.
89. "	Dewajee and Narunjee wulud Poonjajee	-	-	-	-	
90. "	Sowrajee Pachanjee	-	-	-	-	
91. "	Jalumsing Manjee	-	-	-	-	
92. "	Hemrajee Khemajee	-	-	-	-	
<i>Chalera.</i>						
93. "	Raising Adesing	-	-	-	-	} - ditto.
94. "	Lukhjee Adcsing	-	-	-	-	
95. "	Jamjee Adesing	-	-	-	-	
96. "	Bhugjee Adesing	-	-	-	-	
<i>Judjam.</i>						
97. "	Dujjoojee Morewajee	-	-	-	-	} - - Purmar Runmuljee wulud Kesurjee, of Phonglee.
98. "	Kyajee Roybhanjee	-	-	-	-	
99. "	Mughjee Dewajee	-	-	-	-	
100. "	Hudoojee Weerajee	-	-	-	-	
101. "	Bhaeejee Udajee	-	-	-	-	

NAMES of JHAREJAS and VILLAGES.					NAMES of SECURITY.	PAHLUNPOOR.
<i>Wurnosuree.</i>						
102. (signed)	Bhugjee Pachanjee	-	-	-	-	{ - - Waghela Veerum wulud Moola, of Wurnosuree.
<i>Limboanee.</i>						
103.	Akheraj Dewajee	-	-	-	-	{ - - Bramin Gunga Ram wulud Roorra, of Nowapoora.
104.	Bhowsing Wukhtajee	-	-	-	-	
105.	Jesingjee Gomansing	-	-	-	-	
106.	Jetajee Manajee	-	-	-	-	
107.	Jemuljee Jowansingjee	-	-	-	-	
<i>Musalee.</i>						
108.	Bhowsingjee Dewajee	-	-	-	-	{ - - Bramin Bhakur wulud Jewna, of Musalee.
109.	Tejmuljee Jethajee	-	-	-	-	
110.	Jahumsing Mandunjee	-	-	-	-	
111.	Tynaljee Panchajee	-	-	-	-	
112.	Kanajee Bawajee	-	-	-	-	
113.	Bheemajee Kanduljee	-	-	-	-	
114.	Ambajee Kanduljee	-	-	-	-	
115.	Dewajee Mughjee	-	-	-	-	
116.	Bhoyrajee Bhugjee	-	-	-	-	
117.	Kursunjee Jeynajee	-	-	-	-	
118.	Jarejee Veerumjee	-	-	-	-	
119.	Waghjee Veerumjee	-	-	-	-	
120.	Mudjee Veerumjee	-	-	-	-	
121.	Naghunjee Veerumjee	-	-	-	-	
122.	Anundsing Ramsing	-	-	-	-	
<i>Kelana.</i>						
123.	Rutunsing Bhakursee	-	-	-	-	{ - - Bramin Jetha wulud Dana of Kelana.
124.	Ranajee Dewajee	-	-	-	-	
125.	Khemajee Bhowanjee	-	-	-	-	
126.	Phoolajee Hureesing	-	-	-	-	
127.	Mudarsing Duijoojee	-	-	-	-	
128.	Malajee Kesurjee	-	-	-	-	
129.	Bhoputsing	-	-	-	-	
130.	Trjoonjee Akheraj	-	-	-	-	
131.	Jewanjee Hameerjee	-	-	-	-	
132.	Sugramjee Abheraj	-	-	-	-	
133.	Hathee Dansing	-	-	-	-	
134.	Jorejee Dansing	-	-	-	-	
135.	Dhunnaajee Hatajee	-	-	-	-	
136.	Poonjajee Jeynajee	-	-	-	-	
137.	Bunnajee Dewajee	-	-	-	-	
138.	Kurthurjee Hurbhumjee	-	-	-	-	
139.	Panchajee Waghjee	-	-	-	-	
140.	Sutajee Khungarjee	-	-	-	-	
141.	Ubhajee Waghjee	-	-	-	-	
142.	Bhawajee Khungarjee	-	-	-	-	
<i>Grechana.</i>						
143.	Bheemajee Rvajee	-	-	-	-	{ - - Swamee Gungaghur wulud Manghur, of Grechana.
144.	Duijajee wulud Naghunjee	-	-	-	-	
145.	Umursing wulud Desulje	-	-	-	-	
146.	Jewajee Dhunnajee	-	-	-	-	
147.	Ragajee Pachanjee	-	-	-	-	
148.	Malajee Purtapsing	-	-	-	-	
<i>Boroo.</i>						
149.	Hurbhumjee Kesurjee	-	-	-	-	{ - - Kapree Shamut wulud Ramsing, of Boroo.
150.	Bheemjee Merejee	-	-	-	-	
151.	Tymaljee Roydhunjee	-	-	-	-	
152.	Jalimsing Wajeraj	-	-	-	-	
153.	Pachanjee Bhanajee	-	-	-	-	

(True Translation.)

(signed) J. R. Keily,
Political Superintendent.

PERSIA.

P E R S I A.

LETTER from Hajee Mirza Aghasee to Lieutenant-colonel *Farrant*, Her Britannic Majesty's Chargé d'Affaires at the Court of Tehran, dated 12th June 1848.

YOUR communication regarding negroes has been received, and its contents fully understood. With a view to the request made by you, my sincere and esteemed friend, and solely on account of the sincere friendship and good feelings I entertain towards you, I did not consider it proper to withhold or delay the fulfilment of your desire, and exerted my endeavours to preserve the existing friendship between the two exalted Governments of Persia and England, by laying your request in detail at a most fortunate time before his Majesty, &c., &c., the Shah (may his dominion and sovereignty be everlasting).

An imperative order has been issued, which evinces the exceedingly great favour entertained towards you, my honoured friend, by his Majesty, &c., &c., the Shah, which it is evident will always increase. The importation of slaves by sea alone is forbidden, and imperative orders will be issued to the governors of Fars and Arabia, that hereafter strict prohibition should be observed, that no negroes should be either imported or exported, except by land.

This affair, in fulfilment of the request of that esteemed friend, has, thank God, been concluded through the countless favour of his Majesty, &c., &c., &c., the Shah, towards you, and by my exertions.

But the Persian Ministers in equal proportion require that, by the true friendship of the Ministers of the British Government, when they make a request, it will also be acceded to.

Translated by
(signed) Joseph Reed.

FIRMAN issued by his Majesty the Shah of Persia to Hoosen Khan, Governor of Fars, dated 12th June 1848.

To the high in rank, and pillar of nobility, &c., &c., Hoosen Khan, the Controller of the State Affairs and Governor of Fars, who has been exalted and supported by the distinguished favours of his Majesty, &c., &c., the Shah, be it known :

That it is a long time since that a request for the abolition of the importation of negroes by sea was made on the part of the ministers of the British Government to the ministers and authorities of this kingdom, but their request during this long period has not obtained an answer or (our) consent.

But in consequence of the favour entertained by our august sovereignty, &c., &c., towards the high in rank, the sincere well-wisher of the state, the chosen among Christian nobles, &c., &c., Colonel Farrant, Chargé d'Affaires of the English Government, on account of his respectful conduct and manner of proceeding, which have been made manifest, and purely for the regard we entertain for him, we have accepted and complied with his request, and we have ordained that henceforward that high in rank shall warn all merchants and persons passing to and fro to discontinue to bring negroes by sea, and that they shall not export or import negroes except by land, which is by no means forbidden. That high in rank will be held responsible for the fulfilment of the orders contained in this communication.

Written in the month of Rujub 1264.

Translated by
(signed) Joseph Reed.

FIRMAN issued by his Majesty the Shah of Persia to Mirza Nubee Khan,
Governor of Ispahan and Persian Arabia, dated 12th June 1848.

PERSIA.

To the high in rank, the superior of generals, the esteemed of the sovereign, Mirza Nubee Khan, chief of the civil law court, the Governor of Ispahan and Arabia, who has been honoured by the favour of the pure mind of the king of kings, be it known, that at this time the high in rank, the noble and exalted, possessed of dignity, the pillar of Christian nobles, the cream of the great ruler of Christendom, the undoubted well-wisher of the state, Colonel Farrant, Chargé d'Affaires of the exalted English Government, who enjoys the unbounded favour of his Majesty the Shah, whose resplendent mind is desirous to gratify him, made a friendly request on the part of the ministers of that exalted Government to the ministers of his Majesty the Shah, &c., &c., that with a view to preserve the existing friendship between the two exalted states a decree should be issued from the source of magnificence (the Shah), that hereafter the importation of the negro tribes by sea should be forbidden, and this traffic be abolished.

In consequence of this, it is ordered and ordained that that high in rank, after perusing this firman, which is equal to a decree of fate, it will be incumbent on him to issue positive and strict injunctions to the whole of the dealers in slaves who trade by sea, that henceforth by sea alone the importation and exportation of negroes into the Persian dominions is entirely forbidden, but not by land. Not a single individual will be permitted to bring negroes by sea, without being subjected to severe punishment.

That high in rank must in this matter give peremptory orders throughout his Government, and not be remiss.

Written in the month of Rujub 1264 (June 1848).

Memorandum.—These firmans were confirmed by his Majesty the present Shah of Persia after his accession to the throne.

AGREEMENT with the Persian Government, concluded in August 1851, by Lieutenant-colonel *Shell*, Her Britannic Majesty's Minister Plenipotentiary and Envoy Extraordinary at the Court of Tehran, for the Search and Seizure of Persian Vessels suspected of being engaged in the Slave Trade; approved by Her Majesty's Government in the month of October 1851.

CONVENTION concluded between Colonel *Shell* and Amecr-é-Nizam for the detention and search of Persian Vessels by British and East India Company's Cruizers.

The Persian Government agrees that the ships of war of the British Government and of the East India Company shall, in order to prevent the chance of negro slaves, male and female, being imported, be permitted, for the period of 11 years, to search Persian merchant vessels in the manner detailed in this document, with the exception of the Persian Government vessels, not being vessels the property of merchants, or the property of Persian subjects; with those Government vessels there is to be no interference whatever. The Persian Government agrees that in no manner whatever shall any negro slaves be imported in the vessels of the Persian Government.

The Agreement is this :

1st.—That in giving this permission to search mercantile vessels and those of subjects, the search shall, from the first to the last, be effected with the co-operation, intervention, and knowledge of Persian officers, who are to be on board vessels of the English Government.

2d.—The merchant vessels shall not be detained longer than is necessary to effect the search for slaves. If slaves should be found in any of those vessels,

PERSIA.
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the British authorities are to take possession of them, and to carry them away, without detaining or causing them (that is, the people of the ship importing slaves) any other damages besides that of depriving them of the slaves. The vessel itself in which the slaves have been imported shall, by the co-operation and knowledge of the officers of the Persian Government who are on board of the British cruizers, be delivered to the authorities of the Persian ports, who are there on the part of the Persian Government; and the authorities of this (the Persian) Government are to punish and fine, in a manner suitable to the crime he has committed, the owner of that slaving vessel who has acted in contravention of the commands of his Majesty the King of Persia, by importing slaves.

The British ships of war are not in any manner to interfere with the Persian trading vessels without the co-operation of the Persian Government officers; but the Persian Government officers must not on their part be remiss in the duty committed to them.

This convention is to be in force for a period of 11 years; and after these 11 years have expired and the stipulated period has elapsed, if the Persian vessels shall be interfered with, for even a single day beyond the 11 years, it will be opposed to the course of friendship with the Persian Government, and to the maintenance of her rights, and this Government will make a Mand for satisfaction.

If the slaves who have been heretofore in Persia, and are now there, should, from the present date and henceforward, wish to proceed by sea on a pilgrimage to Mecca or to India, or travel by sea, they must, with the knowledge of the British Resident in Bushire, procure a passport from the officer at the head of the Persian passport office in Bushire, and no exception shall hereafter be taken to any slave holding a passport. The passport (regulation) obtained with the knowledge of the British Resident at Bushire is like the other stipulations written above to be for a period of 11 years.

This agreement of the right of search, and the appointment of the Persian government officers to be on board the British cruizers, will come in force on the 1st of Rubee-ool-awul 1268 (1st January 1852).

From the date of this document to the above date there is no right of search.

The articles written in this document have from first to last been agreed to by both parties, and confirmed by the ministers of both governments, and nothing is to be done in contravention thereof.

Written in the month of Shuwal 1267 (August 1851).

Done in duplicate, signed and sealed by Meerza Tukee Khan, Ameer-é-Nizam of the Persian Government. Date as above.

(signed) *Justin Shell,*

Her Britannic Majesty's Minister Plenipotentiary and Envoy Extraordinary at the Court of Persia.

RAMPORE.

R A M P O R E.

TRANSLATION of the Agreement entered into by Nawab Mohumud Syeed Khan.

AGREEABLY to the order of the Governor-general, the government of Rampoor having devolved upon me, I therefore declare that all matters connected with my rule shall be conducted with a view to maintain justice; that all the patans and dependants shall live and be supported in the same way as hitherto, and by my conduct towards them I will enable them to live in peace and happiness; and with respect to the allowances of the family and the rest of my relatives, the same line of conduct shall be followed as has always been the case, nothing shall be altered from my friendly and affectionate feeling towards the daughter and

and widow of the late Nuwab Ahymud Ally Khan, on whom I settle the following allowances separately:

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	Co.'s Rs.
On the daughter of the late Nuwab - - -	1,000 per mensem.
On Sahib Mihil - - - - -	400 „
On Moontaj Mihil - - - - -	400 „
On Chundram - - - - -	300 „
On Dheuree Bala Khaneh - - - - -	300 „
On the Dharee Khand - - - - -	300 „
On the mother of Saaed Ally Khana, deceased son of the late Nawab - - - - -	200 „
On the mother of the daughter of the late Nawab - - - - -	300 „
On Kullo Khanum - - - - -	60 „
On Mithoo Khanum - - - - -	50 „
On Much Mattee - - - - -	50 „
On four women singers - - - - -	50 „

Signed by the Nuwab Syeed Mohd. Khan.

Commissioners' Office,
Rohileund Division, Rampore,
21st August 1840.

(A true Translation.)

(signed) , Fras. Robinson, Officiating Agent.

SATTARA.

SATTARA.

TREATY with the Raja of Sattara, dated the 4th September 1839.

TREATY between the Honourable East India Company and his Highness Shreemunt Maharaj Shahajee Raja Chutruputee of Sattara, concluded at Sattara on the 4th September 1839, by Lieutenant-colonel *Ovans*, Resident at Sattara, on the part of the Honourable East India Company, and by Eshwunt Rao Trimbuck on the part of Shahajee Raja Chutruputee, by virtue of full powers from their respective Governments.

Article 1.—All articles of the treaty of Sattara, dated the 25th of September 1819, which are not abrogated or modified by the present supplemental treaty, are hereby confirmed.

Art. 2.—It is hereby explicitly declared that the Raja has no present or prospective title or claim to any territory situated beyond the boundaries of the Sattara State as the same are laid down in the schedule dated the 29th March 1826, annexed to the aforesaid treaty, as follows: “The frontier extends from the “Krishna and Warna on the south to the Neera and Bheema on the north, and “from the Western Ghauts or Syadree Hills on the west, to the districts of “Pundhurpoor and Beejapoor on the east.”

Art. 3.—In modification of Article 7 of the aforesaid treaty, and to obviate future disputes, the Jageerdars herein named; viz.

1. The Raja of Akulkot,
2. The Punt Sucheo,
3. The Punt Prutee Nidhee,
4. The Dufia,
5. The Nimbalkur,
6. Shaikh Mira Waeekur,

are placed under the direct management and control of the British Government, their contingents and pecuniary payments, on the scale fixed in the time of Captain Grant, being reserved to the Raja.

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SATTARA.

Art. 4.—The Raja binds himself to pay through the British Government, from the Sattara revenues, such annual allowance as may be considered proper by the British Government for the maintenance and support of his brother, Maharaj Prutap Siohu, the late Raja, and his family.

This supplemental treaty, consisting of four articles, being this day, the 4th of September 1839, settled and concluded at Sattara, to be binding and permanent, when ratified by the Right honourable Lord Auckland, Governor-general of India.

(signed) C. Ovens, Resident at Sattara.

(Large Seal of His Highness
the Raja of Sattara.)

Ratified and confirmed by the Right honourable the Governor-general of India, at Simla, this 24th day of October, in the year of our Lord 1839.

(signed) Auckland.

PROCLAMATION against Suttee issued by the Raja of Sattara, on the
23d September 1839.

Proclamation by the Sirkar Shreemunt Maharaj Rajeshree Chutruputree
Rajmundal.

It is hereby commanded from the Hoozoor, for the information of all the people of the Sattara Ilaka, that in the same manner as the practice of performing suttee has been prohibited within the territories of the British Government, it is hereby prohibited within the territory of this Sirkar, including the country of the Jageerdars and Juamdars. Every one is therefore required to conform to this proclamation from the 1st of October 1839. Whoever may disobey this order of the Sirkar shall be punished. This proclamation is issued that this may be known to all. Know this.

Dated this 14th of Rujub Soor Sun Arbyne Mya Tyn Wu Uluf (corresponding with the 23d of September 1839.)

(True Translation.)

(signed) C. Ovens, Resident, Sattara.

PROCLAMATION issued by the Raja of Sattara on the 23d September 1839,
abolishing the Levy of Transit Duties in the Sattara Districts.

Proclamation by Sirkar Shreemunt Maharaj Rajeshree Chutruputtee Rajmundal.

It is hereby commanded from the Huzoor, for the information of all the people of the Sattara Ilaka, that in the same manner as the transit duties, with the exception of the thulmor and thulbhurit (town duties), have been abolished within the British territories. The Sirkar abolishes, from the 1st of October 1839, the transit duties within the country of this Sirkar, including the country of the Jageerdars and Juamdars. It is therefore required that no one shall levy any transit duties. Whoever may collect them shall be visited with punishment by the Sirkar. This proclamation is issued that this may be known to all. Know this.

Dated this 14th of Rujub Soor Sun Arbyne Mya Tyne Wu Uluf (corresponding with the 23d of September 1839.)

(True Translation.)

(signed) C. Ovens, Resident, Sattara.

THE PUNT SUCHEO.

The Punt Sucheo. .

AGREEMENT between the Honourable East India Company and the Punt Sucheo,
dated the 3d February 1839.

THE late Punt Sucheo Rughoonath Rao, having on his death-bed adopted the son of his half brother Ranijee Appa as his heir, which adoption, after a full consideration of the case, the Right honourable the Governor-general of India has been pleased to recognise, and orders having been received to this effect from the Honourable the Governor in Council of Bombay, as well as that the present heir, Chimnaje Rughoonath, being of tender years, a Karbharee should be appointed to manage the affairs of the Jageer, a communication was transmitted to Bhore on this subject, and in accordance with this communication, Damodur, Moreshwur, Verikaje Rugnath, and Sudasheo Khunderyo, having waited on the Resident, with full powers to make the arrangements pointed out by Government, the following Articles are hereby agreed to by the undersigned, on the part of Chimnaje Rughoonath Punt Sucheo.

Article 1.—By the 1st and 2d Articles of the Treaty between the British Government and the Punt Sucheo, under date the 22d April 1820, the Punt is bound to provide for the establishment in his Jageer of a good police, as also, that whenever stolen property may be pointed out within the country of the Punt, or thieves traced into it, both the property and the thief must be delivered over to whichever of the Governments may demand them, and assistance must be afforded to the officers of either Government who may be sent for the apprehension of criminals and offenders. In elucidation of this article it is now also agreed, that the Punt fully recognises the right of the officers of the British Government to enter his territory in pursuit of offenders and stolen property, that he will aid these officers to the utmost of his ability in the performance of this duty, and that all such offenders and stolen property will be given up without demur to the British Government. All such evidence, &c., also, as may be required for the trial of British subjects before British Courts, for crimes committed in the Punt's country, are immediately to be forwarded as pointed out by the British authorities!

Art. 2.—It is also hereby understood and agreed to by the Punt, that the entire jurisdiction, civil and criminal, of the village of Payet, of the Poona Zilla, and of the Kuslea of Nughog, of the Ahmednuggur Zillah, shall be ceded to the British Government. These two villages being surrounded by the Company's Territory, and quite detached from that of the Punt Sucheo, justice will henceforward be administered according to the rules and regulations in force in the British Territory.

Art. 3.—Whereas for the promotion of trade and commerce, the British Government has abolished all transit duties, the Punt Sucheo, with the same object, consents to abolish those levies within his territories. The Punt also hereby agrees to adopt the same system as may be adopted by the British Government with respect to the compensation to be granted to all parties possessing Huks on the duties to be abolished by this article.

Art. 4.—It is also understood and agreed to, that the settlement made by the late Rughoonath Rao Punt Sucheo with the bankers, for the payment of the debts of the estate, is to be strictly adhered to, and that no further debt is to be contracted on any account whatever, without the sanction of the British Government.

Art. 5.—It is also understood and agreed to that the annual allowances of Radha Bae, the grandmother and mother of the late Punt Sucheo, are to be duly paid in the same manner as during the lifetime of Rughoonath Rao.

Art. 6.—It is also hereby declared and agreed to by the Punt Sucheo, that the Company's rupee shall be the current coin within the Punt's territory, in the same manner as in the Company's country.

Art. 7.—The undersigned having been named by Gunga Bae Sucheo as Karbharees for the management of the estate, they hereby agree that they will faithfully and honestly discharge their duty so as to give satisfaction to the British Government, to the Punt, and inhabitants at large. Yearly accounts of the

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SATTARA.

receipts and disbursements of the Jageer are also to be rendered, and it is clearly understood that these Karbharees may be removed or changed as Government may deem expedient.

Art. 8.—Finally, it is understood that the above agreement refers to the territory of the Punt Sucheo within British jurisdiction.

In all the Eight Articles, as set forth, are agreed to :—

Soor Sun Tissa Sullaseen Mya Tyne Wu Uluf the 17th of Tilkad (the 3d of February 1839).

1. (signed) *Damodur Moreshwur Gandekur*, in my own handwriting.

1. (signed) *Venkajee Rungnath*, in my own handwriting.

1. (signed) *Sudasheo Khundi Rao*, in my own handwriting.

Memorandum.—This agreement was approved and confirmed by the Bombay Government on the 16th February 1839, and by the Right Honourable the Governor-general of India on the 8th April following.

SAWUNT
WAREE.

SAWUNT WAREE.

AGREEMENT with the Sirdesace of Sawunt Waree, dated the 15th September 1838.

AGREEMENT entered into between *Alexander Elphinstone*, Esq., Collector of Zillah Rutnagherry and Ujum Rajey Khan Sawunt Bhousla, Bahadoor, Sirdesace of Praut Koodal, Sunsthan Soondur Waree (Sawunt Waree), dated 25th Jumadee-ool-Akhur, Soor Sun Tissa Sullaseen Mya Tyne Wu Uluf (corresponding with the 15th September 1838, A.D.)

Article 1.—Ujum Rajey Bahadoor does hereby renounce all claim to the sea and land customs, including the fee for stamping piece goods, which he has hitherto levied within as well as on the borders of the territory of the Waree Sunsthan. Hereafter the Rajey Bahadoor has no claim to the above-mentioned items of customs.

Art. 2.—Ujum Rajey Bahadoor does hereby make over to the British Government the right of establishing Nakas on the frontier of the Waree Umul, and the territory, consisting of Perné and other Mahals, now held by the Portuguese of Goa, and of levying customs there, as also of levying sea customs at the port of Banda. The British Government can levy the customs according to its own rules, and in any manner it pleases, to which levy the Rajey Bahadoor is not to raise any objection on any account.

Art. 3.—With the exception of the places mentioned in Article 2 of this agreement, the levy of land customs, including the fee for stamping piece goods, at all other places in the Waree Sunsthan Umul, is abolished.

Art. 4.—The British Government shall annually make a certain payment to the Rajey Bahadoor in lieu of the sea and land customs, including the fee for stamping piece goods, which the Waree Sunsthan hitherto levied, and of the Huks which the Hukdars received direct, after examining the collections for the three years, viz. 1834-35, 1835-36, and 1836-37; and after fixing the average, or a third of the total thereof, the amount of the average shall be annually paid to the Rajey Bahadoor.

Art. 5.—The Rajey Bahadoor, having signified his wish to the British Government that articles imported from Goa for his own use and for the use of his durukdars might be exempted from customs as long as the customs did not exceed rupees five hundred, the British Government complied with the request, and with a view to avoid constant trouble the British Government agrees to pay annually

annually to the Rajey Bahadoor, on account of the remission, a sum of rupees five hundred in cash, in addition to the amount of average alluded to in Article 4, and therefore the Rajey Bahadoor is not to raise any dispute on account of the above exemption.

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WAREE.

Art. 6.—If the British Government should give orders to re-establish the levy of land customs in its own dominions, the Rajey Bahadoor is at liberty to levy customs within his territory at all land nakas, with the exception of the above-mentioned nakas on the Waree and Goa frontier, and seaports which have been made over to the British Government for the purpose of establishing nakas. If the British Government should not issue orders to levy land customs in his own dominions, the Rajey Bahadoor is not at liberty to levy them within his own territory. But should a decision (for levying) be passed (by the British Government), then the difference between the average of the customs of the frontier and seaport nakas, and the average agreed to be paid to the Rajey Bahadoor in Article 4, (that is) the average of the customs of the nakas at which the Rajey Bahadoor may commence levying customs, is not to be paid to him by the British Government.

The above are the Six Articles agreed upon.

(Small Seal
of the

Dated 25th Jumadee-ool-Akhur (15th September 1838, A. D.) Waree State.)

(True Translation.)

(signed) C. J. Erskine,
Deputy Secretary to Government.

Memorandum.—This agreement was confirmed by the Bombay Government on the 12th October 1838.

S I N D.

SIND.

TREATY with the Government of Hyderabad in Sind, dated the 2d July 1834.

COMMERCIAL TREATY between the Honourable East India Company and the Government of Hyderabad in Sind.

WHEREAS in the first article of the supplemental treaty concluded between the Honourable East India Company and the Government of Hyderabad on the 22d day of April 1832 (corresponding with the 20th of Zilkad 1247 Hijree) it was stipulated that the Government of Hyderabad was to furnish the British Government with a statement of duties, &c., and, “after that the officers of the British Government who are versed in affairs of traffic will examine the said statement; “should the statement seem to them to be fair and equitable, and agreeable to custom, it will be brought into operation, and will be confirmed; but should it appear too high, his Highness Meer Moorad Alee Khan, on hearing from the British Government to this effect, through Colonel Pottinger, will reduce the said duties;” now, according to terms of the above stipulations, the contracting States, having made due inquiry, hereby enter into the following agreement:—

Article 1.—In lieu of a duty on goods proceeding up or down the River Indus, in virtue of the Fifth Article of the perpetual treaty of Hyderabad, there shall be levied on the rivers between the sea and Roopur a toll on each boat of nineteen Tatta rupees per Tatta Khurrar, of which amount eight rupees shall be receivable by the Governments of Hyderabad and Khyrpoor, and eleven rupees by the other States possessing dominions on the banks of the rivers; namely, his Highness Buhawul Khan, Maharaja Runjeet Sing, and the Honourable the East India Company.

Art. 2.—To obviate any cause whatever of trouble or inconvenience to traders and merchants during their progress, and also to prevent disputes and doubts,

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and consequent altercation and delay, touching the size of boats, the toll is fixed on thirty Tatta khurrars. Be a boat large or small, she will pay toll according to this, and whether she measures five khurrars or one hundred khurrars, she will be reckoned as one of thirty.

Art. 3.—The portion of the toll above described appertaining to Sind, and amounting to two hundred and forty Tatta rupees on each boat, shall be levied at the bunder or port at the mouth of the river where the cargoes are transferred from the river to the sea boats, and *vice versá*, and divided as the Governments of Hyderabad and Khyrpoor may think best.

Art. 4.—For the purpose of assisting in the ready realization of the toll due to Sind, also in the speedy and satisfactory adjustment of disputes which may happen to occur amongst the merchants, boatmen, and others, on the questions of hire, &c., as well as with a view to the preservation and augmentation of the amicable relations which happily subsist between the States, it is settled that a British agent (who shall not be a European gentleman), under the authority of Lieutenant-Colonel Henry Pottinger, agent to the Governor-general of India, for the affairs of Sind, shall reside at the Bunder or Port at the mouth of the river where the cargoes are transferred from one description of boat to another; and the British Government binds itself that the said agent shall neither engage in trade nor interfere in any way with the fiscal or other affairs of the Sind Government. It is further settled, that when occasion connected with this treaty may render it advisable the Governor-general's agent for the affairs of Sind shall have the power of deputing one of his assistants to the above-described bunder or port, to settle any discussions that may have arisen; after doing which he is to return to Bhooj.

Art. 5.—For the more perfect fulfilment of this treaty it is hereby distinctly stipulated, that should any portion, however small or great, or of whatever description, of the merchandise or goods on board any boat passing up or down the river, be landed for sale by a merchant or merchants, such portion of merchandise or goods, whatever may be its quantity or quality, shall instantly become subject to the existing local duties, as levied by the respective Governments within their own territories, the purpose of the toll agreed to by this treaty being not to supersede or set aside the established dues of the different States, but to repay the expense to which the Governments will necessarily be subjected in affording the customary protection to the trade in transit on the river. It will be perfectly understood from this fifth article that the Governments have no claim to duties on merchandise merely passing up or down the river, and that the toll is all that is to be demanded; but should any portion, however small or large, of goods be landed and sold, then the usual duties shall be levied.

Written on the 2d day of July 1834 (corresponding with the 24th of Suffur Anno Hijree 1250).

(signed) *Henry Pottinger.*

(A true Copy.)

(signed) *Henry Pottinger.*

Memorandum.—The above treaty, having been ratified by the Government of India, was, by order of that authority, published for general information on the 23d December 1834, in the Calcutta Government Gazette, and was republished in the Bombay Government Gazette on the 5th March 1835.

TREATY with the Ameers of Sind, dated the 20th April 1838.

TREATY between the Honourable East India Company and the Ameers of Sind, concluded by Colonel *Henry Pottinger*, Agent to the Governor-general for Sind, on the one part, and their Highnesses Meer Noor Mahomed Khan and Meer Nusseer Mahomed Nusseer Khan on the other, dated the 20th April 1838.

Article 1.—In consideration of the long friendship which has subsisted between the British Government and the Ameers of Sind, the Governor-general in Council

Council engages to use his good offices to adjust the present differences which are understood to subsist between the Ameers of Sind and Maharaja Runjeet Sing, so that peace and friendship may be established between the two States.

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Art. 2.—In order to secure and improve the relations of amity and peace which have so long subsisted between the Sind State and the British Government, it is agreed that an accredited British Minister shall reside at the Court of Hyderabad, and that the Ameers of Sind shall also be at liberty to depute a Vakeel to reside at the Court of the British Government; and that the British Minister shall be empowered to change his ordinary place of residence as may from time to time seem expedient, and be attended by such an escort as may be deemed suitable by his Government.

Dated the 20th April 1838.

Memorandum.—This treaty was ratified by the Right honourable the Governor-general of India at Simla on the 20th April 1838.

K H Y R P O O R.

Khyrpoor.

TREATY between the East India Company and his Highness Meer Roostum Khan of Khyrpoor, dated the 24th December 1838.

ARTICLE 1.—There shall be perpetual friendship, alliance, and unity of interests between the Honourable East India Company and Meer Roostum Khan Talpoor, and his heirs and successors from generation to generation, and the friends and enemies of one party shall be the friends and enemies of both.

Art. 2.—The British Government engages to protect the principality and territory of Khyrpoor.

Art. 3.—Meer Roostum Khan, and his heirs and successors, will act in subordinate co-operation with the British Government, and acknowledge its supremacy, and will not have any connexion with any other chiefs and states.

Art. 4.—The Ameer, and his heirs and successors, will not enter into negotiation with any chief or state without the knowledge and sanction of the British Government, but the usual amicable correspondence with friends and relations shall continue.

Art. 5.—The Ameer, and his heirs and successors, will not commit aggressions on any one. If by accident any dispute arise with any one, the settlement of it shall be submitted to the arbitration and award of the British Government.

Art. 6.—The Ameer will furnish troops, according to his means, at the requisition of the British Government, and render it all and every necessary aid and assistance throughout its territory during the continuance of war, and approve of all the defensive preparations which it may make while the peace and security of the countries on the other side of the Indus may be threatened. But the British Government will not covet a “dam or dirhum” of the territories enjoyed by his Highness and his heirs, nor the fortresses on this bank or that bank of the River Indus.

Art. 7.—The Ameer, and his heirs and successors, shall be absolute rulers of their country, and the British jurisdiction shall not be introduced into that principality, nor will any of the Beloochees, servants, dependents, relatives, or subjects of the Ameer be listened to, should they complain against the said Ameer.

Art. 8.—In order to improve by every means possible the growing intercourse by the River Indus, Meer Roostum Khan promises all co-operation with the other powers in any measures which may be hereafter thought necessary for extending and facilitating the commerce and navigation of the Indus.

Art. 9.—In order to further secure the relations of amity and peace which have so long subsisted between the Khyrpoor State and the British Government, it is agreed that an accredited British Minister shall reside at the Court of Khyrpoor, and that the Ameer shall also be at liberty to depute an agent to reside at the

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Court of the British Government; and the British Minister shall be empowered to change his ordinary place of residence as may from time to time seem expedient, and be attended by such an escort as may be deemed suitable by his Government.

This treaty of nine articles having been concluded, and signed and sealed by Lieutenant-colonel Sir Alexander Burnes, Knight, Envoy on the part of the Right honourable George Lord Auckland, G. C. B., Governor-general of India, and Meer Roostum Khan on the part of himself, Chief of Khyrpoor, the ratification by the Right honourable the Governor-general shall be exchanged within 45 days from the present date.

Done at Khyrpoor this 24th day of December 1838, corresponding with the 6th day of Shuval A. H. 1234.

(signed) *A. Burnes,*
Envoy at Khyrpoor.

Memorandum.—This treaty was ratified by the Right honourable the Governor-general of India, in camp at Bhagapoorara, on the 10th January 1839.

SEPARATE ARTICLE.—Since the British Government has taken upon itself the responsibility of protecting the State of Khyrpoor from all enemies, now and hereafter, and neither coveted any portion of its possessions nor fortresses on this side or that side of the Indus, it is hereby agreed upon by Meer Roostum Khan, his heirs and successors, that if the Governor-general in time of war should seek to occupy the fortress of Bukkur as a depôt for treasure and munitions, the Ameer shall not object to it.

This separate article having been concluded, signed, and sealed by Lieutenant-colonel Sir Alexander Burnes, knight, Envoy on the part of the Right honourable George Lord Auckland, G. C. B., Governor-general of India, and Meer Roostum Khan on the part of himself, Chief of Khyrpoor, the ratification by the Right honourable the Governor-general shall be exchanged within 45 days from the present date.

Done at Khyrpoor, this 24th day of December 1838, corresponding with the 6th day of Shuval A. H. 1254.

(signed) *A. Burnes,*
Envoy to Khyrpoor.

TREATY with the Ameers of Hyderabad, dated the 11th March 1839.

TREATY between the British Government and the Ameers of Hyderabad, viz., Meer Noor Mahomed Khan, Meer Nusseer Mahomed Khan, Meer Meer Mahomed Khan, and Meer Sobdar Khan.

WHEREAS treaties of friendship and amity have from time to time been entered into between the British Government and the Ameers of Sind; and whereas circumstances have lately occurred which render it necessary to revise those treaties, and a separate treaty has already been concluded between the British Government and Meer Roostum Khan of Khyrpoor, the following articles have been agreed upon by the contracting parties:—

Article 1.—There shall be lasting friendship, alliance, and unity of interests between the Honourable East India Company and the Ameers of Hyderabad, Meer Noor Mahomed Khan, Meer Nuseer Mahomed Khan, Meer Meer Mahomed Khan, and Meer Sobdar Khan.

Art. 2.—A British force shall be maintained in Sind, and stationed at Tatta, or such other place westward of the River Indus as the Governor-general of India may select for its cantonment. The Governor-general will decide upon the strength of this force, which it is not intended shall exceed 5,000 fighting men.

Art. 3.

Art. 3.—Meer Noor Mahomed Khan, Meer Nuseer Mahomed Khan, and Meer Meer Mahomed Khan bind themselves to pay severally the sum of one lac of rupees, being three lacs of rupees altogether of the Company's currency, or of that called Bakkroo or Timoree, in part payment of the expense of the British force every year. Meer Sobdar Khan is exempted from all contribution to the expense of this force. SIND.

Art. 4.—The British Government takes upon itself the protection of the territories now possessed by the Ameers of Hyderabad from all foreign aggression.

Art. 5.—The four Ameers, parties to this treaty, shall remain absolute rulers in their respective principalities, and the jurisdiction of the British Government shall not be introduced into their territories. The officers of the British Government will not listen to or encourage complaints against the Ameers from their subjects.

Art. 6.—The four Ameers, being confirmed in their present possessions by the preceding article, will refer to the Resident in Sind any complaint of aggression which one of them may have to make against another, and the Resident, with the sanction of the Governor-general, will endeavour to mediate between them, and settle their differences.

Art. 7.—In case of aggressions by the subjects of one Ameer on the territories of another, and of the Ameer by whose subjects such aggressions are made declaring his inability to prevent them, in consequence of the offending parties being in rebellion to his authority, on a representation of the circumstances being made to the Governor-general by the Resident, the Governor-general will, if he sees fit, order such assistance to be afforded as may be requisite to bring the offenders to punishment.

Art. 8.—The Ameers of Sind will not enter into any negotiation with any foreign chief or state without the knowledge and sanction of the British Government. Their amicable correspondence with friends and relations may continue.

Art. 9.—The Ameers of Sind will act in subordinate co-operation with the British Government for purposes of defence, and shall furnish for the service of the British Government a body of 3,000 troops, horse and foot, whenever required. These troops, when employed with the British forces, will be under the orders and control of the commanding officers of the British forces. The Sind contingent troops, if employed under British officers beyond the Sind frontier, will be paid by the British Government.

Art. 10.—The Bakkroo or Timoree rupee, current in Sind, and the Honourable Company's rupee being of equal value, the currency of the latter coin shall be admitted in the Sind territories. If the officers of the British Government establish a Mint within the territories of the Ameers, parties to this treaty, and there coin the Bakkroo or Timoree rupee, the Ameers shall be entitled, after the close of the present military operations in Afghanistan, to a seignorage on the coinage, according to the customs of the country.

Art. 11.—No toll will be levied on trading boats passing up or down the River Indus from the sea to the northernmost point of that stream within the territories of the Ameers of Hyderabad.

Art. 12.—But any merchandise landed from such boats on their passage up or down the river, and sold, shall be subject to the usual duties of the country; provided always, that goods sold in a British camp or cantonment shall be exempt from the payment of duty.

Art. 13.—Goods of all kinds may be brought by merchants and others to the mouths of the Indus (Ghorabaree) at the proper season, and kept there, at the pleasure of the owners, till the best period of the year for sending them up the river; but should any merchant land and sell any part of his merchandise either at Ghorabaree or anywhere else (except at the British cantonment), such merchant shall pay the usual duties on them.

Art. 14.—The provisions of this treaty, agreed upon by the Governor-general of India on the one part, and the Ameers Meer Noor Mahomed Khan, Meer Nuseer Mahomed Khan, Meer Meer Mahomed Khan, and Meer Subdar Khan on the other part, shall be binding on both parties.

SIND.
—

the other part, shall be binding for ever on all succeeding Governments of India, and on the heirs and successors of the said Ameers in perpetuity, all former treaties between the contracting parties not rescinded by the provisions of this engagement remaining in force.

This treaty, consisting of 14 articles, having been signed in quadruplicate by the Right honourable George Lord Auckland, G. C. B., the Governor-general of India, at Bussee, on the 11th day of March 1839. One of these four documents will be separately granted through Colonel H. Pottinger, Resident, at Hyderabad, the negotiator of the treaties, to each of the four Ameers, on his delivering a counterpart engagement, under his seal and signature, to the British Resident in Sind, Colonel H. Pottinger.

Dated the 11th March 1839.

(signed) *Auckland.*

(True Copy.)

(signed) T. H. Maddock,
Secretary to the Government of India,
with the Governor-General.

Meerpoor.

M E E R P O O R.

TREATY of Fourteen Articles between the British Government and the Ameer of Meerpoor, Meer Sher Mahomed Khan, dated the 18th June 1841.

WHEREAS treaties of amity and friendship have been concluded between the Honourable East India Company and the Ameers of Hyderabad, a separate treaty, on the same principle, is now entered into between that power and his Highness Meer Sher Mahomed Khan of Meerpoor, and the following articles have been agreed upon by the contracting parties :

Article 1.—That there shall be lasting friendship, alliance, and unity of interests between the Honourable East India Company and the Ameer of Meerpoor, Meer Sher Mahomed Khan.

Art. 2.—Meer Sher Mahomed Khan binds himself to pay every year the sum of half a lac of rupees (50,000) of the Company's currency, in part payment of the expense of the British force stationed in Sind, viz., on the 1st February of each year.

Art. 3.—The British Government takes upon itself the protection of the territory now possessed by the Ameer of Meerpoor from all foreign aggression.

Art. 4.—Meer Sher Mahomed Khan shall remain sole ruler in his principality, and the jurisdiction of the British Government shall not be introduced into his territory. The officers of the British Government will not listen to or encourage complaints against the Ameer from his subjects.

Art. 5.—The Ameer, being confirmed in his present undisputed possessions by the preceding article, will refer to the British representative in Sind any complaint of aggression which he may make against any of the other Ameers ; and the Political Agent, with the sanction of the Governor-general, will endeavour to mediate between them and settle their differences.

Art. 6.—The territories at present disputed between Meer Sher Mahomed Khan and the Ameers of Hyderabad shall be submitted to the decision of arbitrators appointed by both parties, and an umpire appointed by the Political Agent.

Art. 7.—In case of aggression by the subjects of one Ameer on the territories of another, and of the Ameer by whose subjects such aggressions are made declaring his inability to prevent them, in consequence of the offending parties being in rebellion to his authority, on a representation of the circumstances being made to the Governor-general by the Political Agent, the Governor-general will, if he sees fit, order such assistance to be afforded as may be requisite to bring the offenders to punishment.

Art. 8.

Art. 8.—The Ameer will not enter into any negotiation with any foreign chief or state without the knowledge and sanction of the British Government. His amicable correspondence with his friends and relations may continue.

SIND.

Art. 9.—The Ameer will act in subordinate co-operation with the British Government for purposes of defence, and shall furnish for the service of the British Government a proportional quota of troops to that supplied by the other Ameers, whenever required. Those troops, when employed with British forces, will be under the orders and control of the commanding officer of the British forces. The Ameer's troops, if employed beyond the Sind frontier, will be paid by the British Government.

Art. 10.—The Bakkroo or Timoorce rupee current in Sind, and the Honourable Company's rupee being of equal value, the currency of the latter coin shall be admitted in the Ameer's territory.

Art. 11.—No toll will be levied on trading boats passing up or down the River Indus from the sea to the northernmost point of that stream within the territories of the Ameer.

Art. 12.—But any merchandise landed from boats on their passage up or down the river and sold shall be subject to the usual duties of the country; provided always that goods sold in a British camp or cantonment shall be exempt from the payment of duty.

Art. 13.—Goods of all kinds may be brought by merchants and others to the mouths of the Indus (Ghorabaree) at the proper season, and kept there, at the pleasure of the owners, till the best period of the year for sending them up the river; but should any merchant land and sell any part of his merchandise either at Ghorabaree or anywhere else, except at the British cantonment, such merchant shall pay the usual duty.

Art. 14.—The provisions of this treaty, agreed upon by the Governor-general of India on the one part, and Meer Sher Mahomed Khan on the other part, shall be binding for ever on all succeeding governments of India, and on the heirs and successors of the said Ameer, in perpetuity.

Dated the 27th Rubee-ool-Avul A.H. 1257, (or the 18th June 1841, A.D.)

(signed) Auckland.

Memorandum.—This treaty was ratified by the Right honourable the Governor-general of India in Council on the 16th August 1841.

SINDIA.

SINDIA.

TREATY between the British Government and the Maharaja Jyajee Rao Sindia, dated the 13th January 1844.

TREATY between the Honourable English East India Company and Maharaja Alijah Jyajee Rao Sindia, Bahadoor, and his children, heirs, and successors, settled, on the part of the Honourable Company, by *Frederick Currie*, Esq., and Lieutenant-colonel *William Henry Sleeman*, by virtue of full powers to that effect vested in them by the Right honourable *Edward Lord Ellenborough*, one of Her Britannic Majesty's Most honourable Privy Council, Governor-general, appointed by the Honourable Company to direct and control all their Affairs in the East Indies, and on the part of his Highness Jyajee Rao Sindia by Rao Ram Rao Phalkia, Bahadoor Sumsher Jung, Deo Rao Jadhoo Mama Saheb, Dubeer-ood-Dowlah, Moonshee Raja Bulwunt Rao Bahadoor, Oodajee Rao Ghatgia, Moolla Jee, and Narayun Rao Bhaoon Yumajee Potnuvees, the sirdars nominated to conduct the affairs of the Government during his Highness's minority.

Article 1.—Every part of the treaty of peace concluded by General Sir Arthur Wellesley, K.B., at Surje Anjungaum on the 30th December 1803, and of the

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SINDIA.

treaty of alliance and mutual defence settled by Major John Malcolm at Boorhanpoor on the 27th February 1804, and of the definitive treaty of amity and alliance, with the declaratory article annexed, concluded by Lieutenant-colonel John Malcolm at Moostafapoor on the 22d November 1805, and of the treaty concluded between Captain Robert Close, on the part of the British Government, and Maharaja Alijah Dowlut Rao Sindia, on the 5th November 1817, as well as every part of all other treaties and engagements between the two States which may be now in force, except in so far as may be altered by this engagement, is to remain binding upon the two Governments.

Art. 2.—Whereas the late Maharaja Jankajee Rao Sindia engaged to defray all the charges of a force, to be commanded by British officers, and constantly stationed within his Highness's territories for the protection thereof and the preservation of good order therein, and the cost of such force hitherto has been about 5,00,000 of Company's rupees per annum, and the revenues and receipts set apart and assigned for the maintaining of the said force, together with other revenues now received by the British Government on his Highness's account, amount to the sum of 5,46,000 Company's rupees; and whereas it is expedient to increase the amount of such force, and to make permanent provision for defraying the charge thereof; it is therefore agreed between the British Government and his Highness the Maharajah Jyajee Rao Sindia, that in addition to all the revenues and other receipts already set apart for the purpose of maintaining the said force, or received by the British Government on his Highness's account, the revenues of the districts enumerated and territory described in the schedule (A.) to this treaty shall be appropriated to the maintenance of such force.

Art. 3.—It is further agreed that if the revenues of the districts, so enumerated and described in such schedule (A.), together with the revenues and payments mentioned in the foregoing article as set apart for the payment of the said force, or heretofore received on his Highness's account, shall, after defraying thereout all the charges of civil administration, exceed the sum of 18 lacs of Company's rupees, the surplus shall be paid over to his Highness Maharaja Jyajee Rao Sindia, and if the said revenues and receipts shall fall short of 18 lacs of Company's rupees per annum, the deficiency shall be made good by his Highness.

Art. 4.—And it is further agreed, for the better securing of the due payment of the revenues of such districts enumerated and described in schedule (A.), and for the better preserving of good order within the same, that the civil administration thereof shall be conducted by the British Government in the same manner in which the civil administration of other districts belonging to the Maharajah, of which the revenues are similarly assigned, is conducted by the British Government for his Highness.

Art. 5.—And whereas there is now due to the British Government the sum of 10 lacs of rupees, more or less, as may hereafter appear on examination of the accounts, on the score of charges of the contingent force, and a further sum of one lac on account of advances made to her Highness Baiza Bae, and on other accounts, and the charges of the present armament of the British Government may be estimated at 10 lacs (after deducting therefrom the expense of furnishing to his Highness 6,000 men, with artillery and stores, free of cost to his Highness, under the provisions of the treaty of Boorhanpoor), and a further expenditure of 5 lacs will be incurred by the British Government in affording compensation for losses sustained during and in consequence of the late hostilities, and in other charges connected therewith; it is further agreed that his Highness shall pay to the British Government the sum of 26 lacs of rupees within 14 days from the date of this treaty, and in default thereof that the revenues of the several districts enumerated in schedule (B.) attached to this treaty shall, together with the civil administration of such districts, be made over to the British Government until such time as the said sum of 26 lacs of Company's rupees shall have been paid, together with interest at the rate of 5 per cent. per annum upon the same.

Art. 6.—And whereas the British Government is bound by treaty to protect the person of his Highness the Maharaja, his heirs and successors, and to protect his Highness's dominions from foreign invasion, and to quell serious disturbances therein, and the army now maintained by his Highness is of unnecessary amount, embarrassing to his Highness's Government, and the cause of disquietude to neighbouring states; it is therefore further agreed that the military force of all arms hereafter to be maintained by his Highness, exclusive of the contingent
above

NATIVE STATES OF INDIA,

above provided for, shall at no time exceed 3,000 shall be infantry, with 12 field guns, and his Highness the Maharaja engages to take in his army within the number above specified, on its part to assist his Highness therein, should

Art. 7.—It is further agreed that his Highness's troops disbanded, and also give a gratuity of officers, non-commissioned officers, and privates be re-enlisted in the contingent, or in any new

Art. 8.—And inasmuch as it is expedient to the Government during the minority of the Maharaja shall be considered to terminate when the full age of 18 years, and not sooner; that on the 19th day of January, A. D. 1853, it is agreed that the persons entrusted with the administration shall act upon the advice of the British Resident in the State; and no change shall be made in the administration without the consent of the British Government; and the British Resident shall be offered; and no change shall be made in the administration without the express authority of the Governor-general.

Art. 9.—And it is agreed, that the following persons shall constitute the Council of Regency, and that the first-named of the same: Rao Ram Rao Phalkia Bahadoor Shumsher Jung, Mama Saheb, Dubeer-ood-Dowlah, Moonshee Raja Bulwunt Rao Bahadoor, Oodajee Rao Ghatgia, Moolla Jee, and Narayun Rao Bhao.

Art. 10.—And inasmuch as it is fitting that her Highness should have a suitable provision now made for the maintenance of her household, it is agreed, that the sum of three lacs of rupees shall be annually allowed to her Highness for her household expenses, and be at her Highness's sole disposal.

Art. 11.—And it is further agreed, that the British Government shall, so far as may be, tofore, exert its influence and good offices for maintaining the justice and tranquillity of the Maharaja and the subjects of the State of Sindia at present, and in its neighbouring and other native states.

Art. 12.—This treaty, consisting of 12 Articles, has been this day signed by Frederick Currie, Esquire, and Lieutenant-colonel William E. D. Dalrymple, acting under the directions of the Right Honourable Lord Ellenborough, Governor-general, on the part of the British Government, and by Rao Ram Rao Phalkia Bahadoor Shumsher Jung, Deo Rao Jadhoo Mama Saheb, Dubeer-ood-Dowlah, Moonshee Raja Bulwunt Rao Bahadoor, Oodajee Rao Ghatgia, Moolla Jee, and Narayun Rao Bhao Yumajee Potnuvees, on the part of the Maharaja of Sindia; and the said treaty has been this day ratified by the seal of the Right honourable Lord Ellenborough, Governor-general, and by that of his Highness Maharaja Jyajee Rao Sindia.

Done at Gwalior, this 13th day of January, in the year of our Lord 1844, corresponding with 22d Zilhuj 1259 Hijree, and ratified the same date.

(Seal of Maharaja
Alija Jyajee Rao
Sindia Bahadoor.)

(Seal of the
Governor-general.)

(signed) *Ellenborough.*

(signed) *F. Currie.
W. H. Sleeman.*

(Seal of Ram Rao
Phalkia Bahadoor.)

(signed)

*Ram Rao Phalkia Bahadoor
Shumsher Jung.*

(Seal of Moonshee
Raja Bulwunt Rao
Bahadoor.)

(signed)

Moonshee Raja Bulwunt Rao.

Deo Rao Bhao Jadhoo.

(Seal of
Oodajee Rao
Ghatgia.)

Oodajee Rao Ghatgia.

*Narayun Rao Bhao.
Moolla Jee.*

ARRANGEMENTS WITH THE

(A).

of the Treaty of Gwalior, being the Enumeration of Revenues, and Description of Territory, the maintenance of the increased Contingent to the Revenues heretofore assigned and Government on the part of his Highness.

	Rupees.
- - - - -	1,80,000
- - - - -	81,000
- - - - -	2,400
- - - - -	37,000
- - - - -	2,29,000
- - - - -	37,000
- - - - -	37,000
- - - - -	16,000
- - - - -	97,000
- - - - -	35,000
- - - - -	2,27,500
- - - - -	1,60,000
- - - - -	1,29,000
- - - - -	2,000
- - - - -	800
- - - - -	30,000
	13,00,700

whatsoever belonging to his Highness not on the right bank of the River Sind, from its mouth to the Ghauts near Khainwah (save and except the Fort of Nurwar, with the lands immediately surrounding the same, 38 villages, yielding 14,000 rupees, and Lehma, Jagheer of Bulwant Rao, yielding 2,000, and Bhingong, Jagheer of Bhao Potnuvees, yielding 2,000, the two last to be transferred hereafter, at the pleasure of the British Government, an equivalent being given for them in some other of the transferred districts, by mutual agreement), and from that point all such other purgunnahs, districts and lands, as may be situated below the summit of the Ghauts.

It is to be understood that all religious endowments and grants of a similar character *bona fide* existing at this date, and excluded from the rent-roll of the several districts, are to be respected and maintained, and that the assumption of the management of the new territories by the British Government does not involve the abolition of the "Suzeraineté" of the Maharaja, or of the proprietary rights of the inhabitants thereof.

(signed) F. Currie,
W. H. Sleeman, and
the Gwalior Negotiators.

N.B.—In addition to the lands above enumerated, the British Government receives as assignment for the former contingent, and on other accounts, sums to the amount of about 5,46,900 rupees, making the total aggregate receipts for the whole contingent force 18,47,600.

(signed) F. Currie,
W. H. Sleeman, and
the Gwalior Negotiators.



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on 01 February, 2020

